

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1141

By: Settle

AS INTRODUCED An Act relating to crimes and punishments; creating a new criminal code; providing citation; providing for jurisdiction; providing for venue; classifying parties to crimes; classifying crimes as felonies or misdemeanors; providing for custody of persons convicted of crimes; classifying crimes; providing for punishment for crimes of various classifications; providing for suspension of certain rights for certain persons; providing for punishment when punishment is not specified; providing for enhanced punishment; providing for exceptions; restricting punishments; restricting forfeitures; restricting effect of code; providing method for determining proper criminal charge; providing limitations on convictions; providing certain double jeopardy limitations; providing for conviction of certain lesser included offenses; limiting requirement of court to charge jury with respect to lesser included offenses; providing statute of limitations for certain types of crimes; providing standard of proof required for conviction of crime; providing for burden of proof with regard to affirmative defenses; providing order in which certain sentences are to be served; directing certain credits to remain unaffected; providing for relinquishment of custody of certain defendants to certain authorities; providing for certain sentences to be run concurrently with certain other sentences; providing for revocation of parole in certain situation; providing for parole revocation to run concurrently with certain sentence in certain situation; providing

for revocation of suspended sentence in certain situation; providing for return of defendant in certain situation; providing protection of law for incarcerated persons; setting age standards for capacity to commit crime; providing that certain persons are not liable to punishment for crimes; providing that code shall not affect right of civil recovery; defining terms; defining crimes; classifying crimes; providing exceptions to crimes; establishing effect of affirmative defense; allowing recognition of consistent nonstatutory affirmative defenses; allowing certain defenses to be cumulative; providing for certain exculpating affirmative defenses; providing exceptions; providing for certain mitigating affirmative defenses; repealing 21 O.S. 1991, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 21, 22, 24, 26, 27, 28, 29, 30, 41, 42, 43, 44, 51, 51A, 52, 53, 54, 61.1, 61.2, 61.3, 61.4, 61.5, 62, 64, as amended by Section 1, Chapter 51, O.S.L. 1993, 65, 67, 68, 81, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 131, 132, 133, 141, 151, 152, 153, 154, 155, 156, as amended by Section 1, Chapter 159, O.S.L. 1992, 160, 171, 172, 173, 174, 175, 181, 182, 183, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 301, 302, 302.1, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 318, 320, 321, 322, 331, 332, 333, 341, 341.1, 342, 343, 344, 345, as amended by Section 16, Chapter 239, O.S.L. 1993, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 371, 372, 373, 374, 375, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 399, 400, 401, 402, 403, 404, 405, 406, 421, 422, 423, 424, 431, 434, 436, 437, 438, 439, 440, 441, 442, 443, as last amended by Section 50, Chapter 290, O.S.L. 1994, 443a, 444, 445, 451, 452, 453, 454, 455, as amended by Section 1, Chapter 182, O.S.L. 1993, 456, 461, 462, 463, 464, 471, 481, 482, 483, 484, 485, 486, 487, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 521, 522, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 540A,

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

ARTICLE I

PRELIMINARY PROVISIONS

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1 of Title 21, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Penal Code of the State of Oklahoma".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2 of Title 21, unless there is created a duplication in numbering, reads as follows:

All statutes hereinafter enacted and codified in Title 21 of the Oklahoma Statutes shall be considered and deemed part of the Penal Code of the State of Oklahoma.

Upon the effective date of this act, no act or omission shall be deemed criminal except as prescribed or authorized by the Penal Code of the State of Oklahoma. The words "this code" shall mean only Title 21 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-3 of Title 21, unless there is created a duplication in numbering, reads as follows:

This code defines the conduct constituting crimes and prescribes the punishment for each. The manner of prosecuting and convicting persons accused of crime is prescribed in the Code of Criminal Procedure, Title 22 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-4 of Title 21, unless there is created a duplication in numbering, reads as follows:



A crime is any social harm which is defined and made punishable by legislative enactment and codified in this code. This section does not affect any power conferred by law upon any public agency, court, or the Oklahoma Legislature to employ any sanction authorized by law for the enforcement of a civil order or a civil judgment or decree.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-5 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, a person may be convicted under the law of this state of any crime committed by that person's conduct if:

1. Either the conduct that is an element of the crime or the result that is such an element occurs within this state;

2. Conduct occurring outside the state is sufficient under the law of this state to constitute an attempt to commit a crime within the state;

3. Conduct occurring outside the state is sufficient under the law of this state to constitute a conspiracy to commit a crime within the state and an overt act in furtherance of such conspiracy occurs within the state;

4. Conduct occurring within the state establishes complicity in the commission of a crime in another jurisdiction that also is a crime, an attempt, or a conspiracy under the law of this state;

5. The crime consists of the omission to perform a legal duty imposed by the law of this state with respect to domicile, residence or a relationship to a person, thing or transaction in the state; or

6. The crime is based on a statute of this state that expressly prohibits conduct outside the state, when the conduct bears a reasonable relation to a legitimate interest of this state and the actor knows or should know that the conduct is likely to affect that interest.

B. This state includes the land and water and the air space above such land and water with respect to which the state has legislative jurisdiction.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-6 of Title 21, unless there is created a duplication in numbering, reads as follows:

The venue of a crime shall be in the county wherein an element of the crime or a result of the crime occurred. Where uncertainty exists as to the county in which the crime is committed, the accused may be tried in any county in which the evidence indicates the crime was committed. When a conviction or an acquittal occurs in any such county, it shall be a bar to further prosecution by the State of Oklahoma.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-7 of Title 21, unless there is created a duplication in numbering, reads as follows:

All parties to crimes are classified as principals or accessories.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-8 of Title 21, unless there is created a duplication in numbering, reads as follows:

All crimes are classified as either felonies or misdemeanors.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-9 of Title 21, unless there is created a duplication in numbering, reads as follows:

A felony is a crime which is punishable by death or imprisonment for more than one (1) year. Every other crime is a misdemeanor.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-10 of Title 21, unless there is created a duplication in numbering, reads as follows:

All persons punished by imprisonment after conviction of a felony shall be placed in the custody of the Department of

Corrections. All persons punished by imprisonment after conviction of a misdemeanor shall be placed in the custody of the appropriate county sheriff.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-11 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Felonies are divided into \_\_\_ classes. The classifications and penalties for each felony are as follows:

1. "Class \_\_\_ felony" means a term of imprisonment...;
2. "Class \_\_\_ felony" means a term of imprisonment...;
3. "Class \_\_\_ felony" means a term of imprisonment...;
4. "Class \_\_\_ felony" means a term of imprisonment...;
5. "Class \_\_\_ felony" means a term of imprisonment...; and
6. "Class \_\_\_ felony" means a term of imprisonment....

B. In addition, except as otherwise specifically provided, a person found guilty of a felony may be fined by the court in an amount not to exceed ....

C. A punishment of imprisonment in the custody of the Department of Corrections suspends all the civil rights of the person so sentenced, except the right to make employment contracts during confinement under that sentence subject to the approval of the Director of the Department of Corrections when this benefits the vocational training or release preparation of the prisoner. The prisoner also forfeits all public offices during any term of incarceration. Prisoners shall not be eligible while confined to receive benefits under the unemployment compensation law.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-12 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misdemeanors are divided into \_\_\_ classes. All terms of imprisonment and the amount of all fines shall be fixed by the court

pursuant to the provisions of this section. The classifications and penalties for each misdemeanor are as follows:

1. "Class \_\_\_ misdemeanor" means a term of imprisonment...;
2. "Class \_\_\_ misdemeanor" means a term of imprisonment...;
3. "Class \_\_\_ misdemeanor" means a term of imprisonment...; and
4. "Class \_\_\_ misdemeanor" means the punishment shall be a fine not more than ....

B. In addition, a person found guilty of a Class \_\_\_, \_\_\_, or \_\_\_ misdemeanor may be fined in an amount not to exceed ....

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-13 of Title 21, unless there is created a duplication in numbering, reads as follows:

If no punishment is specified for any felony or misdemeanor, the punishment shall be the lowest felony or misdemeanor classification respectively. If a crime is not designated as either a felony or a misdemeanor, it shall be classified as a misdemeanor.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-14 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Punishments for second and subsequent felonies shall be as follows:

1. If a person is found guilty of committing a felony while serving, or within ten (10) years after completion of, the sentence imposed for a former felony conviction, the court may sentence that person to .... Felony convictions relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

2. If a person is found guilty of committing a felony while serving, or within ten (10) years after completion of, the sentences imposed for two or more prior felony convictions, the court must sentence that person to .... Felony convictions relied upon shall

not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

B. The provisions of this section shall not prevent a sentence of death from being imposed for the crime of murder.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-15 of Title 21, unless there is created a duplication in numbering, reads as follows:

A person who has been convicted of a felony within the past ten (10) years under the laws of another state or under the United States Code which would have been a felony if committed in this state shall be punished for any subsequent felony committed in this state in the manner prescribed in Section 14 of this act.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-16 of Title 21, unless there is created a duplication in numbering, reads as follows:

The punishments prescribed in this code shall be assessed only upon a legal finding of guilt in a court which has jurisdiction.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-17 of Title 21, unless there is created a duplication in numbering, reads as follows:

The conviction of a person for any crime shall not cause the forfeiture of any property except when a forfeiture is expressly imposed by statute.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-18 of Title 21, unless there is created a duplication in numbering, reads as follows:

Nothing in this code affects any power conferred by law upon any court martial or other military authority or officer to impose or inflict punishment upon offenders.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-19 of Title 21, unless there is created a duplication in numbering, reads as follows:

The omission to specify in this code any grounds of forfeiture of a public office or other trust or special authority conferred by law does not affect such forfeiture. In addition, the omission to specify in this code any grounds for impeachment, removal, or suspension of any public officer or other person holding any trust, appointment, or other special authority conferred by law does not affect such impeachment, removal or suspension.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-20 of Title 21, unless there is created a duplication in numbering, reads as follows:

If two crimes in this code cover all the facts in a particular occurrence, that crime which is the most specific shall control and serve as the basis for the proper criminal charge.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-21 of Title 21, unless there is created a duplication in numbering, reads as follows:

The method of prosecution to be used when conduct constitutes more than one crime is as follows:

1. When the same conduct of a defendant may establish the commission of more than one crime, the defendant may be prosecuted for each such crime. The defendant may not, however, be convicted of more than one crime if:

- a. one crime is included in the other,
- b. inconsistent findings of fact are required to establish the commission of the crimes,
- c. the crimes differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct, or
- d. the crime is defined as a continuing course of conduct and the defendant's course of conduct was uninterrupted, unless the statute provides that

specific periods of such conduct constitute separate crimes;

2. Except as provided in paragraph 3 of this section, a defendant shall not be subject to separate trials for multiple crimes based on the same conduct or arising from the same criminal episode, if such crimes are known to the appropriate district attorney at the time of the commencement of the first trial and are within the jurisdiction of a single court;

3. When a defendant is charged with two or more crimes based on the same conduct or arising from the same criminal episode, the court, on application of the state or the defendant, may order any such charge to be tried separately, if it is satisfied that justice so requires;

4. A defendant may be convicted of a crime included in a crime charged in the indictment or the information. A crime is so included when:

- a. it is established by proof of the same or less than all the elements required to establish the commission of the crime charged, or
- b. it consists of an attempt to commit the crime charged or to commit a crime otherwise included therein; and

5. The court shall not be obligated to charge the jury with respect to an included crime unless there is a rational basis for a verdict acquitting the defendant of the crime charged and convicting the defendant of the included crime.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-22 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. For purposes of determining the time within which a prosecution must be commenced:

- 1. A prosecution for murder may be commenced at any time;

2. Except as provided in paragraph 3 of this section, prosecutions for other crimes are subject to the following periods of limitation:

- a. a prosecution for a Class \_\_\_ felony must be commenced within six (6) years after it is committed,
- b. a prosecution for any other felony must be commenced within three (3) years after it is committed, or
- c. a prosecution for a misdemeanor must be commenced within two (2) years after it is committed;

3. If the period prescribed in paragraph 2 of this section has expired, a prosecution for:

- a. any crime in which a material element is either fraud or a breach of fiduciary obligation must be commenced within two (2) years after discovery of the crime by an aggrieved party who is not a party to the crime. However, in no case shall this provision extend the period of limitation by more than twenty (20) years,
- b. any crime based upon misconduct in office by a public official or servant may be commenced at any time the public servant is in public office or employment, or must be commenced within two (2) years after discovery irrespective of whether the actor is any longer a public servant. However, in no case shall this provision extend the period of limitation by more than twenty (20) years, or
- c. any sexual crime against a child must be commenced within five (5) years after discovery of the crime by a person other than the victim. However, in no case shall this provision extend the period of limitation by more than twenty (20) years;

4. Time starts to run on the day after the crime is committed.

A crime is complete when every element is present or, if the



legislature intends to prohibit a continuing course of conduct such as conspiracy, the crime is complete when the course of conduct or the defendant's complicity therein is terminated.

B. A prosecution is commenced either when an indictment is found or an information filed or when an arrest warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay.

C. The period of limitation does not run:

1. During any time when the accused is continuously absent from the state; or

2. During any time when a prosecution against the accused for the same conduct is pending in this state.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-23 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person may be convicted of a crime unless each element of such crime is proved beyond a reasonable doubt. In the absence of such proof, the innocence of the defendant is presumed.

B. Subsection A of this section does not require the disproof of an affirmative defense unless there is sufficient evidence supporting such defense. If sufficient evidence of an affirmative defense has been introduced, the state must disprove that affirmative defense beyond a reasonable doubt.

C. A defense is affirmative within the meaning of subsection B of this section, when:

1. It arises under a section of this code that so provides; or

2. It involves a matter of excuse or justification peculiarly within the knowledge of the defendant on which the defendant can fairly be required to present evidence.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-24 of Title 21, unless there is created a duplication in numbering, reads as follows:

When any person is convicted of two or more crimes in the same proceeding or court or in different proceedings or courts, and the judgment and sentence for each conviction arrives at the Department of Corrections on different dates, the sentence which is first received by the Department of Corrections shall commence and be followed by those sentences which are subsequently received by the Department of Corrections, in the order in which they are received by the Department of Corrections, regardless of the order in which the judgments and sentences were rendered by the respective courts, unless a judgment and sentence provides that it is to run concurrently with another judgment and sentence. This section shall not affect the credits allowed under Section 138 of Title 57 of the Oklahoma Statutes.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-25 of Title 21, unless there is created a duplication in numbering, reads as follows:

When a defendant is sentenced in an Oklahoma state court and is also under sentence from a federal court or the court of another state, the court may direct that custody of the defendant be relinquished to the federal or other state's authorities and that such Oklahoma state court sentences as are imposed may run concurrently with the federal or other state's sentence.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-26 of Title 21, unless there is created a duplication in numbering, reads as follows:

When a defendant is on parole from a sentence rendered by an Oklahoma state court and is also under sentence from a federal court or the court of another state, the Governor may revoke the defendant's parole and direct that custody of the defendant be relinquished to the federal or other state's authorities and that such parole revocation may run concurrently with the federal or other state's sentence. The Governor may also order that a parole

revocation run concurrently with any other sentence rendered by an Oklahoma state court.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-27 of Title 21, unless there is created a duplication in numbering, reads as follows:

When a defendant has received a suspended sentence from an Oklahoma state court and is also under sentence from a federal court or the court of another state, the court may revoke the suspended sentence and direct that custody of the defendant be relinquished to the federal or other state's authorities and that the sentence may run concurrently with the federal or other state's sentence.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-28 of Title 21, unless there is created a duplication in numbering, reads as follows:

After a defendant has been transferred to another jurisdiction pursuant to the provisions of this code or of Title 22 of the Oklahoma Statutes, if any sentence remains to be served in the State of Oklahoma, the defendant shall be returned on order of the sentencing court to the State of Oklahoma to complete that sentence.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-29 of Title 21, unless there is created a duplication in numbering, reads as follows:

A person incarcerated in any detention facility is under the protection of the law, and any injury to the person, not authorized by law, is punishable in the same manner as if the person was not convicted or sentenced.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-30 of Title 21, unless there is created a duplication in numbering, reads as follows:

All persons are capable of committing crimes except:

1. Children under seven (7) years of age; and

2. Children over the age of seven (7) years and under the age of fourteen (14) years when there is an absence of proof that at the time of committing the acts or omitting to act, the child knew its conduct was wrong.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-31 of Title 21, unless there is created a duplication in numbering, reads as follows:

No person may be prosecuted for a crime in this state who has already been acquitted or convicted upon any criminal prosecution under the laws of another state, government or country, founded upon the act or omission in respect of which the person would be prosecuted in this state.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-32 of Title 21, unless there is created a duplication in numbering, reads as follows:

Ambassadors and other public ministers from foreign governments accredited to the President or the Government of the United States, and recognized according to the laws of the United States, and their secretaries, messengers, families and servants are not liable to punishment for a crime in this state.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-33 of Title 21, unless there is created a duplication in numbering, reads as follows:

The omission in this code to refer to any damages, penalty, forfeiture, or other remedy imposed by law and allowed to be recovered or enforced in any civil action for any act or omission declared punishable herein does not affect any right to recover or enforce the same.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-34 of Title 21, unless there is created a duplication in numbering, reads as follows:

In this code, unless a different meaning is specified in reference to a particular crime or defense:

1. "Actor" means the person who allegedly committed or omitted the act or acts constituting the crime;

2. "Benefit" means any gain or advantage, or anything regarded by the beneficiary as gain or advantage, including gain or advantage to any other person or entity in whose welfare the beneficiary is interested;

3. "Bodily injury" means a person suffers physical pain, illness, or any impairment of physical condition;

4. "Carries away" means removing an article for the slightest distance. It is more than a mere change of position. It is a movement for the purpose of permanent relocation;

5. "Child", "children", or "minor" means a person or persons under eighteen (18) years of age;

6. "Coercion" means a threat, however communicated, to:

- a. physically injure the person threatened or any other person, which by its terms will not be, or based on the circumstances cannot be, carried out at substantially the same time as its utterance or receipt,
- b. physically injure the person threatened or any other person, which is not made in the presence of the person threatened, but which may be capable of substantially contemporaneous execution,
- c. injure the property of the person threatened or the property of one with whom such person has a family, social, business, or other similar relationship,
- d. accuse the person threatened of a crime or to so accuse one with whom such person has a family, social, business, or other similar relationship,

- e. expose the person threatened to hatred, contempt, ridicule, or disgrace, or to so expose one with whom such person has a family, social, business, or other similar relationship,
- f. take or withhold action as a public official or employee, or to cause a public official or employee to take or withhold action, or
- g. expose any secret, fact, report or information sought to be concealed by the person threatened;

7. "Criminal negligence" or "criminally negligent" means a gross deviation from the standard of care that a reasonable person would observe in the actor's situation;

8. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any other instrument, material or substance, whether animate or inanimate, which is likely to produce death or serious bodily injury in the manner it is used or attempted to be used;

9. "Extreme indifference to the value of human life" means that a person acts in total disregard of the consequences to others by unjustifiably creating what a reasonable person would realize is an inordinately high degree of risk of death to others;

10. "Force" means any touching, no matter how slight, of a person;

11. "Government" means the state or any of its political subdivisions;

12. "Health care profession" means any occupation which consists of the diagnosis, cure, or treatment of physical disease or injury or mental illness or conditions, as well as any support personnel requiring licensure offering direct patient care;

13. "Heat or passion" means that the following four requirements are established: First, adequate provocation; second, a passion or an emotion such as fear, terror, anger, rage, or resentment existed in the actor; third, the crime occurred while the

passion still existed, and before there was a reasonable opportunity for the passion to cool; and fourth, there was a causal connection between the provocation, the passion and the resulting harm. Requirements one, three, and four demand an objective reasonable person standard. Requirement two demands a subjective standard on behalf of the particular actor;

14. "Incapacitated" means any person who by reason of mental or physical illness is disabled to the extent that the person lacks the ability to effectively engage in self-protection;

15. "Intent" or "intentionally" means, in addition to doing the acts or failing to act which caused the harm, the actor acts with the specific purpose of accomplishing that harm;

16. "In the commission of" means the performance of an act which is an inseparable part of a crime or necessary for its completion, or which is performed in the process of fleeing from the immediate scene of the crime and before a position of relative safety has been reached;

17. "Know", "knows", "knowing", "knowingly", or "known" means, in addition to doing the acts or failing to act which caused the harm, the actor has a subjective belief that something exists. Proof of actual or direct knowledge is not required. It is sufficient if the facts and circumstances are such as to cause an actual belief on the part of the actor. Ignorance of the law is not an excuse;

18. "Law enforcement official" means any police officer, sheriff, deputy sheriff, highway patrol officer, Department of Corrections correctional officer, or similar public officer or official;

19. "Legal duty to render aid" means an obligation to care for, protect, support, or similar obligation and one or more of the following is present:

a. a statute imposes a duty,

- b. one is in a spousal relationship to another or is the parent, guardian or other person having custody of a child,
- c. one has assumed a contractual duty, or
- d. one has voluntarily assumed the duty, the recipient acts in reliance thereon, the recipient is or becomes helpless and is in a situation where others cannot reasonably render aid;

20. "Malicious", "maliciously", or "with malice" means, in addition to doing the acts or failing to act which caused the harm, the actor either has a specific intent to cause the harm or has a wanton disregard of the plain and strong likelihood of causing that harm;

21. "Motor-powered vehicle" means any self-propelled instrumentality in, upon, or by which a person or property may be transported and which is designed for use upon a highway;

22. "Official proceeding" means a proceeding before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other similar person taking testimony or deposition in connection with any such proceeding;

23. "Omission" means a failure to act in circumstances where a legal duty to act exists;

24. "Person" means any human being, any corporation, any unincorporated association, the state, or any political subdivision of the state;

25. "Personal property" means chattels, and includes such things as money, goods, evidences of rights in action, and written instruments effecting a monetary obligation or right or title to property. The value of the property is immaterial;



26. "Political subdivision" means a municipality, a school district, a county, or a public trust where a city, town, school district, or county is a beneficiary, and all of the institutions, instrumentalities or agencies of any of the foregoing;

27. "Possession" means:

- a. actual physical control, or
- b. knowledge of the presence of a substance or an article together with the intent to control its use or disposition;

28. "Principal" means all persons concerned in the commission of crime, whether it is a felony or a misdemeanor, and whether they directly commit the acts constituting the crime or aid and abet in its commission, although not present;

29. "Public servant" means any officer or employee of government, including legislators and judges, and any person performing an authorized governmental duty;

30. "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;

31. "Unlawful" or "unlawfully" means disapproved by law. Such conduct is not recognized as grounds for legal rights either because the conduct is immoral or because it is against public policy;

32. "Witness" means any person who:

- a. has knowledge of the existence or nonexistence of facts relating to any crime or claim or any other matter which is or may be the subject of an official proceeding or investigation,
- b. has made a statement under oath which has been or may be received as evidence in an official proceeding or investigation,

- c. has been legally served with a subpoena issued under the authority of any court of this state, of any other state or of the United States, or
- d. would be believed by a reasonable person to be a person described in this paragraph.

## ARTICLE II

### ANTICIPATORY CRIMES AND THE CRIME OF ACCESSORY

#### Accessory

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-50 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The crime of accessory occurs when a person unlawfully conceals or aids another person who has committed a felony and the actor knows that the other person has committed a felony. The aiding or concealing must be done with the intent that the other person avoid or escape from arrest, trial, conviction or punishment.

B. The crime of accessory is a Class \_\_\_\_ felony.

#### Attempt

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-51 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. An attempt occurs when a person performs an act or acts toward the commission of a particular crime and that crime was not completed either because the person was prevented from completing the crime or was intercepted before its completion or withdrew. The person must:

1. Have the specific intent to commit that crime; and
2. Have committed a perpetrating act toward the commission of the particular crime. To have a perpetrating act there must be apparent proximity both as to time and space. If the attempt is an effort to physically harm a person, that perpetrating act must be in dangerous proximity to completion. In all other situations, the

perpetrating act must not be too remote from completion of the attempted crime.

B. An attempt is a crime of the next lower class than that of the crime attempted. However, if the crime attempted is of the lowest class felony or misdemeanor, the punishment shall be of the same class.

#### Conspiracy Definition

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-52 of Title 21, unless there is created a duplication in numbering, reads as follows:

In conspiracy crimes, "overt act" means any act performed by any member of the conspiracy which is done for the purpose of furthering or carrying out the ultimate intent of the agreement, or which would naturally accomplish the object of the conspiracy.

#### Conspiracy

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-53 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Conspiracy occurs when two or more persons enter into an agreement to commit any crime with the intent that the crime be committed and any of them does an overt act in furtherance of that agreement.

B. Aggravated conspiracy occurs when all of the elements of conspiracy are present and, in addition, the object of the conspiracy is:

1. Aggravated promoting prostitution;
2. Aggravated promoting tampering with the identity of personal property;
3. Aggravated promoting unlawful gambling;
4. Any bribery crime;
5. Any child pornography crime;
6. Any felony horse racing crime;

7. Any felony violation of the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

8. Any felony weapons crime;

9. Arson;

10. Extortion;

11. Kidnapping; or

12. Murder.

C. Conspiracy to commit a misdemeanor is a Class \_\_ misdemeanor. Conspiracy to commit a felony is a Class \_\_ felony. Aggravated conspiracy is a Class \_\_ felony. In addition, persons accused or convicted of aggravated conspiracy shall be subject to the applicable forfeiture provisions of Title 12 of the Oklahoma Statutes.

#### Conspiracy Against the Government

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-54 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Conspiracy against the government occurs when two or more persons enter into an agreement with the intent to defraud the government and any of them does an overt act in furtherance of the agreement.

B. Conspiracy against the government is a Class \_\_ felony.

#### Solicitation to Commit Murder

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-55 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Solicitation to commit murder occurs when a person urges, requests, or commands another person to kill a human being by an act of murder, with the intent that the murder be committed.

B. Solicitation to commit murder is a Class \_\_ felony.

#### Solicitation to Commit a Crime Under the

Uniform Controlled Dangerous Substances Act

SECTION 41.        NEW LAW        A new section of law to be codified in the Oklahoma Statutes as Section 2-56 of Title 21, unless there is created a duplication in numbering, reads as follows:

A.   Solicitation to commit a crime under the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, occurs when a person, with the intent to cause the commission of a crime under the Uniform Controlled Dangerous Substances Act, urges, requests, or commands another person to commit any crime within that act.

B.   Solicitation to violate the Uniform Controlled Dangerous Substances Act is a crime of the next lower class than that of the crime solicited. However, if the crime solicited is of the lowest class felony or misdemeanor the punishment shall be of the same class.

ARTICLE III

CRIMES AGAINST THE PERSON

Part 1.   Homicide

Criminal Homicide Definitions

SECTION 42.        NEW LAW        A new section of law to be codified in the Oklahoma Statutes as Section 3-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In criminal homicide and related crimes:

1.   "Death" means what was a human being has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain including the brain stem. The determination must be made in accordance with accepted medical standards;

2.   "Human being" means a person who has been born and is alive;

3. "Malice" means, in addition to doing the acts or failing to act which causes the harm, the actor has an intent to inflict serious bodily injury. A specific intent to kill is not required;

4. "Intent" means that, in addition to the purposeful acts or omission causing the death of the deceased, the actor has the specific purpose of taking away the life of a human being. The intent to take a human life must be formed before the commission of the acts or omission and must exist at the time the killing is committed. No particular length of time is required for formation of this specific intent. The intent may have been formed instantly before the commission of the acts or omission; and

5. "Suicide" means the unlawful and intentional taking of one's own life.

#### Criminal Homicide

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Criminal homicide occurs when a person kills another human being by an unlawful act or an unlawful omission to act.

B. Criminal homicide is murder, manslaughter or negligent homicide.

C. The common law rule that death must occur within a year and a day for a killing to be criminal homicide is inapplicable in this jurisdiction.

#### Murder

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Murder occurs when a person commits a criminal homicide:

1. With the intent that a death result;

2. By an act which is imminently dangerous to others and which manifests an extreme indifference to the value of human life,

although without any specific intent to cause the death of any particular human being;

3. Regardless of intent, in the commission of the following dangerous felonies: aggravated arson, aggravated burglary, aggravated burglary of an occupied dwelling, aggravated child sodomy, aggravated forcible sodomy, aggravated kidnapping, aggravated rape, aggravated robbery, or child sodomy; or

4. With malice and the human being killed is a child.

B. Murder is a Class \_\_ felony, except for paragraph 2 of subsection A of this section, which is a Class \_\_ felony. In addition, if the accused is a child at the time of the act or omission which caused the homicide, the death penalty shall not apply.

#### Manslaughter

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Manslaughter occurs when a person commits a criminal homicide:

1. Without an intent to cause death while engaged in the commission of a misdemeanor;

2. Which would be murder but for a heat of passion. The fact the homicide was committed in a heat of passion is an affirmative defense and need not be introduced by the state;

3. Which would be murder but for a mistake of fact. The fact the homicide was committed under a mistake of fact is an affirmative defense and need not be introduced by the state.

B. Manslaughter is a Class \_\_ felony.

#### Negligent Homicide

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Negligent homicide occurs when a person commits a criminal homicide through criminal negligence.

B. Negligent homicide is a Class \_\_ felony.

#### Assisting Suicide

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Assisting suicide occurs when a person knowingly aids and abets another person to commit suicide.

B. Assisting an attempted suicide occurs when a person knowingly aids and abets another person in attempting to commit suicide where serious bodily injury results.

C. Assisting suicide or assisting an attempted suicide is a Class \_\_ felony.

#### Part 2. Crimes Relating to Assault and Battery

#### Battery

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Battery occurs when a person unlawfully applies force to another person.

B. Protected status battery occurs when all of the elements of a battery are present and, in addition, it is knowingly committed against:

1. Judges, court employees, jurors, law enforcement officials, referees or umpires, teachers or school officials, during performance of or related to their duties;

2. A child under fifteen (15) years of age;

3. A person sixty-two (62) years of age or older;

4. An incapacitated person; or

5. Any person because of that person's race, religion, ancestry, national origin, sexual orientation or similar status; or



6. Any person named in an ex parte or final protective order who is battered by a person who has been served with such order.

C. Aggravated battery occurs when all of the elements of battery or protected status battery are present and, in addition, it is committed with the intent to do serious bodily injury and:

1. Serious bodily injury is inflicted upon the person battered;
- or
2. It is committed with a dangerous weapon.

D. Aggravated battery on a child occurs when all of the elements of aggravated battery are present and:

1. The person battered is a child; or
2. The person battered is a child, the battery is committed by a third person, the actor has a legal duty to render aid to that child and knowingly permits the battery.

E. Battery is a Class \_\_ misdemeanor. Protected status battery is a Class \_\_ misdemeanor. Aggravated battery is a Class \_\_ felony. Aggravated battery on a child is a Class \_\_ felony.

#### Tattooing a Child Definition

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of tattooing a child, "tattooing" means inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce a permanent indelible mark or figure visible on the skin. It does not include the lawful actions of a health care professional.

#### Tattooing a Child

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tattooing a child occurs when a person tattoos a child whom the actor knows or should know is a child.

B. Tattooing is a Class \_\_ misdemeanor.

### Assault

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-203 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Assault occurs when a person makes an unlawful attempt to batter another person or unlawfully places another person in reasonable apprehension of receiving an immediate battery.

B. Aggravated assault occurs when a person, through the use of a dangerous weapon, makes an unlawful attempt to commit a serious bodily injury on another person.

C. Assault is a Class \_\_ misdemeanor. Aggravated assault is a Class \_\_ felony.

### Criminal Endangerment

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Criminal endangerment occurs when a person:

1. Omits an act or does an act which places another person or persons in danger of bodily injury. This may occur either knowingly or through criminal negligence;

2. Knowingly does an act which manifests an extreme indifference to the value of human life; or

3. Knowingly omits an act or does an act which endangers a child's welfare by violating a duty of care, protection or support owed by the actor to the child.

B. Aggravated criminal endangerment occurs when a person:

1. Omits an act or does an act which is imminently dangerous to another person or to others and which manifests an extreme indifference to the value of human life; or

2. Knowingly refuses to make court ordered child support payments with an aggregate amount of Five Thousand Dollars

(\$5,000.00) or an amount equal to one year's support when the actor is financially capable of making such payments.

C. Criminal endangerment is a Class \_\_ misdemeanor. Aggravated criminal endangerment is a Class \_\_ felony. In addition, any person, other than an individual, convicted of violating this section based upon a violation of the Oklahoma Pollutant Discharge Elimination System Act, Section 2-6-201 et seq. of Title 27A of the Oklahoma Statutes, shall be subject to a fine of not more than One Million Dollars (\$1,000,000.00).

D. It is intended that this crime be charged only when the crimes of assault or battery are absent.

#### Harassment

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Harassment occurs when a person subjects another person to alarm by conveying a threat to inflict serious bodily injury against the person threatened or someone with whom the person threatened has a familial relationship, when the actor knows or should know the threat will cause alarm.

B. Aggravated harassment occurs when all of the elements of harassment are present and, in addition, the person has been convicted of harassment within ten (10) years of a prior conviction for harassment.

C. Harassment is a Class \_\_ misdemeanor. Aggravated harassment is a Class \_\_ felony.

D. It is intended that harassment not be applicable if the crime of assault is present.

#### Part 3. Abandonment

#### Abandonment Definitions

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

In abandonment crimes:

1. "Abandons" means to permanently and completely forsake the performance of a legal duty to render aid; and

2. "Incapacitated spouse" means a married person who by reason of mental or physical illness is disabled to such an extent that the person lacks the ability to provide for that person's own needs.

#### Abandonment of a Child

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Abandonment of a child occurs when a parent, guardian, or other person having custody or control of a child under fifteen (15) years of age, knowingly abandons the child or takes the child out of the state with the intent to abandon the child.

B. Abandonment of a child is a Class \_\_ felony.

#### Abandonment of an Incapacitated Spouse

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Abandonment of an incapacitated spouse occurs when a spouse knowingly abandons an incapacitated spouse.

B. Abandonment of an incapacitated spouse is a Class \_\_ felony.

#### Part 4. Robbery

#### Robbery Definition

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-400 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of robbery:

1. "Fear" means the placing of a robbery victim in reasonable apprehension of an immediate personal bodily injury or a bodily injury to anyone in the immediate vicinity at the time of the robbery; and

2. "Force" means any touching, no matter how slight, of a person or any property on the person's body. Such touching must be known to a victim who is conscious at the time of the touching.

#### Robbery

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-401 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Robbery occurs when a person wrongfully takes and carries away the personal property of another from the other's person or immediate presence through means of force or fear and with the intent to permanently deprive the other person of the property.

B. Aggravated robbery occurs when all of the elements of robbery are present and, in addition:

1. A dangerous weapon is used in the commission of the robbery;  
or

2. Serious bodily injury is inflicted upon a person as a result of the commission of the robbery.

C. Robbery is a Class \_\_ felony. Aggravated robbery is a Class \_\_ felony.

#### Coercing Action

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-402 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Coercing action occurs when a person causes another person to do any act or refrain from doing a lawful act by consent obtained through coercion with the intent to cause such act or omission.

B. Coercing action is a Class \_\_ felony.

C. It is intended that coercing action not apply to the appropriation of the property or services of another person, which is covered by the crime of extortion.

## Part 5. Kidnapping

### Kidnapping Definitions

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-500 of Title 21, unless there is created a duplication in numbering, reads as follows:

In kidnapping and related crimes:

1. "Place of isolation" means a location where the victim is secluded from the usual protection of society and where the circumstances of seclusion make either detection or rescue unlikely;
2. "Removes" means relocation accomplished by force, threat or deception; and
3. "Secretly confines" means to sequester a person by force, threat or deception in such a manner as to deprive the person of the assistance of the law to redeem the person from confinement.

### Kidnapping

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-501 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Kidnapping occurs when a person unlawfully and with the intent to remove or secretly confine:

1. Removes another person from that person's place of residence or business establishment and takes that person to a separate location;
2. Removes another person from a location other than that person's residence or business establishment and takes that person a substantial distance; or
3. Secretly confines another person for a substantial period in a place of isolation.

B. Aggravated kidnapping occurs when all of the elements of kidnapping are present and, in addition, the removal or confinement is accompanied by:

1. Holding the victim for ransom or reward;
2. Using the victim as a shield or hostage; or
3. Inflicting serious bodily injury on the victim.

C. Kidnapping is a Class \_\_\_ felony. Aggravated kidnapping is a Class \_\_\_ felony.

#### False Imprisonment

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-502 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. False imprisonment occurs when a person knowingly and unlawfully restrains another person so as to substantially interfere with that person's liberty.

B. False imprisonment is a Class \_\_\_ misdemeanor.

#### Interference with Custody of a Child

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-503 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Interference with custody of a child occurs when a parent or other person violates an order of any court of this state which grants the custody of a child to a person, agency, or institution. Such a violation must be committed with the intent to deprive the custodian of the custody of that child.

B. Interference with custody of a child is a Class \_\_\_ felony.

#### Interference with Custody of a Committed Person

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-504 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Interference with custody of a committed or entrusted person occurs when a person unlawfully takes or entices away any person who

has been committed or entrusted by authority of law to the custody of a third person or agency. The taking or enticement must be done with the intent to conceal and detain that person from the agency or third person to whom commitment or entrustment was granted.

B. Interference with custody of a committed or entrusted person is a Class \_\_ misdemeanor.

## Part 6. Sex Crimes

### Sexual Crimes Definitions

SECTION 65. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-600 of Title 21, unless there is created a duplication in numbering, reads as follows:

In sexual crimes:

1. "Deceit" means the victim submits to sexual intercourse, sexual intrusion or sodomy under the belief that the person committing the act is that person's spouse, or as a result of the actor's artifice, pretense, or concealment, the victim is unaware that sexual intercourse, sexual intrusion or sodomy has taken place;
2. "Incapable of legally consenting" means being incapacitated or helpless to such an extent that the person lacks the ability to effectively communicate unwillingness to participate in the act or to protect that person from the sexual intercourse, sexual intrusion or sodomy;
3. "Proper barrier protection" means an article which is designed to interdict the transfer of blood, bodily fluids, or bodily secretions;
4. "Protection from Domestic Abuse Act" means those statutes designated as part of the act, pursuant to the provisions of Section 60 et seq. of Title 22 of the Oklahoma Statutes;
5. "Sexual intercourse" means the actual contact of the sexual organs of a male and a female, with an actual penetration, however slight, into the body of the female;



6. "Sexual intrusion" means any unlawful penetration of the vagina or anus, however slight, by any animate or inanimate object, not amounting to sexual intercourse or sodomy;

7. "Sexual misconduct" means any behavior performed in a lewd and lascivious manner when such behavior relates in any way to sexual matters or sexual interest. It does not include the mere furnishing of obscene, pornographic or sexually explicit materials, which is covered under aggravated promoting obscenity;

8. "Sexually transmitted disease" means gonorrhea, syphilis, chlamydia, herpes simplex type II, human papilloma virus, human immunodeficiency virus, and any other disease which is transmitted primarily through sexual activity and which is either life-threatening or which is destructive to the human reproductive system if left untreated;

9. "Sexual relations" means sexual intercourse, sodomy or sexual intrusion;

10. "Sodomy" means sexual contact between persons of the same or the opposite sex involving the sex organs of one person and the anus of another with penetration, however slight, or the sex organs of one person and the mouth of the other; and

11. "Unconsented" means:

- a. force or violence is used upon or threatened against the victim or another person in the immediate vicinity,
- b. the victim is physically or mentally incapable of legally assenting to have sexual relations,
- c. the assenting to have sexual relations is obtained through deceit,
- d. assent is obtained through the belief, intentionally induced by the actor, that engaging in sexual relations will influence the exercise of the actor's

official authority as an employee or agent of an entity which has legal custody of the victim, or

e. the victim is sixteen (16) or seventeen (17) years of age and the actor is in an authoritative role with respect to the victim. These roles include persons such as coaches, teachers, those who practice in a health care profession or other similar role.

#### Rape

SECTION 66. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-601 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Rape occurs when a person engages in unconsented sexual intercourse with another person.

B. Rape also occurs when a person engages in sexual intercourse with another person who is not the actor's spouse and who is thirteen (13), fourteen (14), or fifteen (15) years of age. The actor must be at least four (4) years older than the victim and the actor must know or should know the victim's age.

C. Aggravated rape occurs when all of the elements of rape are present and, in addition:

1. It is accomplished by use of a dangerous weapon;

2. Serious bodily injury is inflicted upon the victim or another person in the immediate vicinity as a result of the crime; or

3. The victim is under thirteen (13) years of age.

D. Rape is a Class \_\_ felony. Aggravated rape is a Class \_\_ felony.

#### Sexual Battery

SECTION 67. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-602 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Sexual battery occurs when a person commits an unconsented act of sexual intrusion upon another person.

B. Sexual battery also occurs when a person commits an act of sexual intrusion upon another person who is not the actor's spouse and who is thirteen (13), fourteen (14), or fifteen (15) years of age. The actor must be at least four (4) years older than the victim and the actor must know or should know the victim's age.

C. Aggravated sexual battery occurs when all of the elements of sexual battery are present and, in addition:

1. It is accomplished by use of a dangerous weapon;

2. Serious bodily injury is inflicted upon the victim or another person in the immediate vicinity as a result of the crime; or

3. The victim is under thirteen (13) years of age.

D. Sexual battery is a Class \_\_ felony. Aggravated sexual battery is a Class \_\_ felony.

#### Forcible Sodomy

SECTION 68. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-603 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Forcible sodomy occurs when a person engages in unconsented sodomy with another person.

B. Aggravated forcible sodomy occurs when all of the elements of forcible sodomy are present and, in addition:

1. It is accomplished by use of a dangerous weapon; or

2. Serious bodily injury is inflicted upon the victim or another person in the immediate vicinity as a result of the crime.

C. Forcible sodomy is a Class \_\_ felony. Aggravated forcible sodomy is a Class \_\_ felony.

#### Child Sodomy

SECTION 69. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-604 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Child sodomy occurs when a person engages in sodomy with a child who is thirteen (13), fourteen (14) or fifteen (15) years of age and the actor is at least four (4) years older than the victim and knows or should know the victim's age.

B. Aggravated child sodomy occurs when a person engages in sodomy with a child who is under thirteen (13) years of age.

C. Child sodomy is a Class \_\_ felony. Aggravated child sodomy is a Class \_\_ felony.

#### Offensive Sexual Contact

SECTION 70. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-605 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Offensive sexual contact occurs when a person intentionally touches the breasts or genitalia of another person in a lewd and lascivious manner and without the consent of that person.

B. Offensive sexual contact is a Class \_\_ misdemeanor.

#### Child Molestation

SECTION 71. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-606 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Child molestation occurs when a person intentionally touches the breasts, buttocks or genitalia of a child under sixteen (16) years of age in a lewd and lascivious manner and the actor is at least four (4) years older than the victim and knows or should know the victim's age.

B. Child molestation is a Class \_\_ felony.

#### Lewd Proposal to a Child

SECTION 72. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-607 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Lewd proposal to a child occurs when a person, who is at least four (4) years older than the victim:

1. Makes any oral or written proposal to a child under sixteen (16) years of age to engage in sexual misconduct or sexual relations with the actor or any other person and the actor knows or should know that the child is under sixteen (16) years of age; or

2. Asks, invites, entices or persuades a child under sixteen (16) years of age to go with the actor or any other person to a secluded, remote or secret place with the intent to engage in sexual misconduct or sexual relations and the actor knows or should know that the child is under sixteen (16) years of age.

B. Lewd proposal to a child is a Class \_\_ felony.

#### Incest

SECTION 73. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-608 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Incest occurs when a person marries or engages in sexual relations with another person knowing that the person is:

1. A natural lineal ancestor or descendant;

2. A natural brother or sister of the whole or half blood; or

3. An uncle, aunt, niece or nephew, except where such relationship is established by marriage.

B. Incest is a Class \_\_ felony.

#### Indecent Exposure

SECTION 74. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-609 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Indecent exposure occurs when a person intentionally displays or exhibits that person's genitals in a lewd or lascivious

manner where that person knows or should know that the conduct is likely to cause offense or alarm.

B. Aggravated indecent exposure occurs when all the elements of indecent exposure are present and, in addition, the victim is a child and the actor knows or should know that the victim is a child.

C. Indecent exposure is a Class \_\_ misdemeanor. A second conviction of indecent exposure is a Class \_\_ felony. Aggravated indecent exposure is a Class \_\_ felony.

#### Exposing Others to a Sexually Transmitted Disease

SECTION 75. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-610 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Exposing others to a sexually transmitted disease occurs when a person who is infected with a sexually transmitted disease engages in sexual intercourse or sodomy with another person with the intent to infect that person with the sexually transmitted disease.

B. Aggravated exposing others to a sexually transmitted disease occurs when a person who is infected with the human immunodeficiency virus engages in sexual intercourse, sodomy, donating blood, transferring blood through the skin or membrane of another person or biting another person. To be guilty the person must act without using proper barrier protection and without informing the other person of the presence of the human immunodeficiency virus and the act or acts must be done with the intent to infect any other person with the human immunodeficiency virus.

C. Exposing others to a sexually transmitted disease is a Class \_\_ felony. Aggravated exposing others to a sexually transmitted disease is a Class \_\_ felony.

#### Part 7. Other

#### Illegal Visual Surveillance and Eavesdropping Definition

SECTION 76. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-700 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crimes of illegal visual surveillance and eavesdropping, "private setting" means any location in which a person has a reasonable expectation of being free of aural or visual surveillance. It does not include a place to which the public or a substantial group of the public has access.

#### Eavesdropping

SECTION 77. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-701 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Eavesdropping occurs when a person with the intent to listen by use of the human ear to any communication originating from a private setting, so listens without the consent of all persons involved in the communication.

B. Eavesdropping is a Class \_\_\_\_ misdemeanor.

#### Illegal Visual Surveillance

SECTION 78. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-702 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal visual surveillance occurs when a person unlawfully:

1. And with the intent to view any person in a private setting, so observes any person; or

2. Installs or uses in any private setting any apparatus for observing, photographing, filming, videotaping, or otherwise visually recording events happening in the private setting.

B. Illegal visual surveillance is a Class \_\_\_\_ misdemeanor.

### ARTICLE IV

#### CRIMES AGAINST HABITATION AND PROPERTY

##### Part 1. General

#### Crimes Against Habitation Definitions

SECTION 79. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In arson, burglary and related crimes:

1. "Breaks" means any act of physical force, however slight, by which obstructions to entering are removed. It also means any entry immediately gained through the use of trickery, deceit, fraud, or threats;

2. "Burns" means the slightest ignition which results in any damage;

3. "Dwelling" means any house, similar structure, or motor home, any part of which is the residence of any person;

4. "Enters" means the insertion of any part of a person's body into a dwelling, building, similar structure, or vehicle. If an inanimate object is used and inserted without any part of a person going into the structure or vehicle, it is an entry only if the inanimate object is capable of completing the actor's intended purpose;

5. "Night" means the time between sunset and sunrise; and

6. "Steal" means to permanently deprive the person in rightful possession of property without the possessor's consent.

#### Arson

SECTION 80. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Arson occurs when a person maliciously burns, or maliciously causes the explosion of, any building or similar structure of another person.

B. Aggravated arson occurs when a person maliciously burns, or maliciously causes the explosion of, the dwelling of another person.

C. Arson is a Class \_\_\_ felony. Aggravated arson is a Class \_\_\_ felony.



### Burglary

SECTION 81. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Burglary occurs when a person breaks and enters any building, similar structure, or vehicle of another person with the intent to steal or commit any felony.

B. Aggravated burglary occurs when a person breaks and enters the dwelling of another person with the intent to steal or commit any felony.

C. Aggravated burglary of an occupied dwelling occurs when a person breaks and enters the dwelling of another person at night. A human being must be present and it must be done with the intent to steal or commit any felony.

D. Burglary is a Class \_\_ felony. Aggravated burglary is a Class \_\_ felony. Aggravated burglary of an occupied dwelling is a Class \_\_ felony.

### Carrying Burglar's Tools

SECTION 82. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Carrying burglar's tools occurs when a person knowingly carries upon or about the person any combination of at least three of the following tools: a channel-lock, a chisel, a pick-lock, a pry bar, a sledgehammer, or bolt cutters. The carrying must occur with the intent to commit a burglary. This crime is only applicable to a person who has previously been convicted of a burglary.

B. Carrying burglar's tools is a Class \_\_ felony.

### Intruding into a Dwelling

SECTION 83. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Intruding into a dwelling occurs when a person breaks and enters a dwelling of another person without the intent to commit any crime.

B. Intruding into a dwelling is a Class \_\_ misdemeanor.

#### Illegal Entry

SECTION 84. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal entry occurs when a person enters any building, similar structure, or vehicle of another person with the intent to commit any crime.

B. Illegal entry is a Class \_\_ misdemeanor.

#### Criminal Trespass

SECTION 85. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-106 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Criminal trespass occurs when a person unlawfully and knowingly crosses the boundary of or remains upon the real property of another person after receiving notice that such crossing or remaining is forbidden by:

1. Actual express communication to the actor; or
2. Posting in a manner reasonably likely to be noticed and which forbids crossing the boundary.

B. Criminal trespass is a Class \_\_ misdemeanor.

#### Illegal Dumping

SECTION 86. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-107 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal dumping occurs when a person places or discards any waste, debris or other similar substance on the real property of another person without the consent of that person. It must either be done knowingly or through criminal negligence.

B. Illegal dumping is a Class \_\_ misdemeanor.

#### Malicious Mischief

SECTION 87. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-108 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Malicious mischief occurs when a person maliciously damages, defaces, or destroys any property of another person.

B. Protected status malicious mischief occurs when all of the elements of malicious mischief are present and, in addition, the actor commits the act or acts because of the race, religion, ancestry, national origin, sexual orientation or similar status of the victim.

C. Aggravated malicious mischief occurs when all of the elements of malicious mischief or protected status malicious mischief are present and, in addition:

1. The value of the loss through the damaging, defacing or destroying exceeds Five Thousand Dollars (\$5,000.00);

2. The property is a written document of legal significance which is capable of being recorded or which is irreplaceable; or

3. The property is a public record.

D. Malicious mischief is a Class \_\_ misdemeanor. Protected status malicious mischief is a Class \_\_ misdemeanor. Aggravated malicious mischief is a Class \_\_ felony.

#### Part 2. Forgery and Falsification

##### Forgery Definitions

SECTION 88. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

In forgery and related crimes:

1. "Apparent legal significance" means that it seems to be legal. Such an instrument need not create a valid and enforceable

obligation. It is sufficient that the instrument could reasonably deceive another person;

2. "Defraud" means to misrepresent the validity of a writing;

3. "False writing" means one which was false from its inception or which became false through tampering with what was originally genuine. It is not a true and genuine instrument which merely contains false statements. A false writing includes all forms of printing; and

4. "Making" means to create, sign, procure to be signed, or to falsify by materially altering, erasing, marking or obliterating.

#### Forgery

SECTION 89. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Forgery occurs when a person makes a false writing which has apparent legal significance and which is made with the intent to defraud.

B. Forgery is a Class \_\_ felony.

#### Uttering a Forged Instrument

SECTION 90. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Uttering a forged instrument occurs when a person offers as genuine a false writing which the actor knows is false and which is offered with the intent to defraud.

B. Uttering a forged instrument is a Class \_\_ felony.

#### Counterfeiting Device and Falsified Articles Definitions

SECTION 91. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-203 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crimes of possessing or manufacturing a counterfeiting device and failure to report possession of falsified article:

1. "Adulterated" means the same as the definition in Section 6-182 of Title 2 of the Oklahoma Statutes, except subparagraph 8 of subsection j of that section;

2. "Counterfeit" means an imitation of something genuine, including a simulation, forgery or alteration;

3. "Counterfeiting device" means any apparatus capable of producing counterfeit official documentation or counterfeit official insignia through printing, engraving or any other method;

4. "Official documentation" means a certificate, form, label, letterhead or other similar material used by a governmental entity;

5. "Official insignia" means any mark, seal, stamp or other symbol of a governmental entity; and

6. "Relevant governmental entity" means that governmental entity of which the official documentation or official insignia has been counterfeited.

#### Possessing or Manufacturing a Counterfeit Device

SECTION 92. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possessing or manufacturing counterfeiting devices occurs when a person knowingly manufactures or possesses any counterfeit device without the authorization of the relevant government entity.

B. Possessing or manufacturing counterfeiting devices is a Class \_\_ felony.

#### Failure to Report Possession of Falsified Articles

SECTION 93. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to report possession of falsified articles occurs when a person fails to report to the relevant governmental entity that person's possession of any article:

1. Which the person knows or should know bears, contains or is accompanied by any counterfeit official documentation; or

2. Upon which the person knows or should know has been placed any counterfeit official insignia.

B. Aggravated failure to report possession of falsified articles occurs when all of the elements of failure to report possession of falsified articles are present and, in addition, the person acts with the intent to defraud or the violation involves the distribution of an adulterated article.

C. Failure to report possession of falsified articles is a Class \_\_ misdemeanor. Aggravated failure to report possession of falsified articles is a Class \_\_ felony.

Tampering with the Identity of Personal Property Definitions

SECTION 94. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-206 of Title 21, unless there is created a duplication in numbering, reads as follows:

In tampering with the identity of personal property and related crimes:

1. "Alter" means to counterfeit, cover, deface, destroy, disassemble, disguise, dismantle, erase, falsify, forge, obliterate, reassemble, remove, store, or supplant and replace;

2. "Identification mark" means any factory serial or identification number or trademark, a vehicle identification number, or any other number or mark placed on personal property by any person for the purpose of identifying such property or its owner;

3. "Motor vehicle" means, in addition to its meaning in paragraph 21 of Section 34 of this act, any self-propelled, land-based instrumentality designed for use other than on a highway, including farm machinery, oil and gas equipment, and construction equipment; and

4. "Vehicle identification number" means a vehicle license plate or any identifying number, serial number, engine number, or

other distinguishing number or mark placed upon a motor vehicle or part thereof by the manufacturer or used by the Oklahoma Tax Commission, for the purpose of identifying such motor vehicle or the parts thereof.

Tampering with the Identity of Personal Property

SECTION 95. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-207 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tampering with the identity of personal property occurs when a person alters an identification mark placed upon any personal property or alters the appearance of any personal property with the intent to:

1. Deprive another person of a lawful interest in that personal property;
2. Prevent the detection of a crime; or
3. Violate a statute which specifically prohibits such altercation.

B. Aggravated tampering with the identity of personal property occurs when all of the elements of tampering with the identity of personal property are present and, in addition, the property is a firearm, a motor vehicle, a motor vehicle part with a vehicle identification number on it, cattle, horses, hogs, poultry or other similar domestic animal or any item of personal property with a value exceeding Five Hundred Dollars (\$500.00).

C. Tampering with the identity of personal property is a Class \_\_\_ misdemeanor. Aggravated tampering with the identity of personal property is a Class \_\_\_ felony.

Promoting Tampering with Identity of Personal Property

SECTION 96. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-208 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting tampering with the identity of personal property occurs when a person:

1. Buys, receives, acquires, sells, gives, pawns, uses or receives as security for a loan, or otherwise disposes of any item of personal property knowing that its identity or any identification mark on it has been altered; or

2. Sells or otherwise transfers any item of personal property to, or transports any item of personal property to or from any location knowing it to be a place where tampering with the identity of personal property is conducted.

B. Aggravated promoting tampering with the identity of personal property occurs when all of the elements of paragraph 1 or 2 of subsection A of this section are present and, in addition, the personal property is a firearm, a motor vehicle, a motor vehicle part with a vehicle identification number on it, or any personal property with a value exceeding Five Hundred Dollars (\$500.00).

C. Aggravated promoting tampering with the identity of personal property also occurs when a person owns, controls, manages, supervises, or otherwise keeps any facility knowing that tampering with the identity of personal property is being conducted.

D. Promoting tampering with the identity of personal property is a Class \_\_ misdemeanor. Aggravated promoting tampering with the identity of personal property is a Class \_\_ felony.

#### Exceptions to Tampering with the Identity of Personal Property

SECTION 97. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-209 of Title 21, unless there is created a duplication in numbering, reads as follows:

The following are exceptions to tampering with the identity of personal property:

1. A motor vehicle scrap processor, acting in good faith in the normal and legal course of business, who processes a motor vehicle or a motor vehicle part, provided that no vehicle identification



number is removed from the motor vehicle or motor vehicle part prior to such processing;

2. Any owner or other person resuming lawful possession of a motor vehicle or motor vehicle part or other personal property which has been recovered and returned to such person by law enforcement authorities after having been the subject of a violation of Section 94 or 95 of this act;

3. Any person who violates Section 94 or 95 of this act by engaging in good faith in any act of or in compliance with the laws or regulations of the United States or of any state or territory of the United States; or

4. The placement or any change of identification marks authorized and made by the original manufacturer in the regular course of business.

### Part 3. Theft

#### Theft Definitions

SECTION 98. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

In theft and related crimes:

1. "Appropriate" means:

- a. in relation to property, to take, obtain, conceal, or to bring about a transfer or purported transfer of title or interest,
- b. in relation to property other than real property, to use in a manner not authorized by the true owner or possessor, or to exercise control over the property,
- c. in relation to property other than real property, to receive, retain or dispose of property which the defendant knows or should know was stolen or otherwise illegally obtained,

- d. in relation to property that has been lost or mislaid, such property is appropriated if the circumstances give the finder knowledge or reasonable means of inquiry as to the person entitled to have the property and the finder fails to make a reasonable effort to find the person entitled to have the property and restore the property to that person, or
- e. in relation to services, to secure performance of services, or to use in a manner not authorized by the person entitled to the services, or to use in a manner not authorized by the person providing the services;

2. "Deception" means making a false representation of a past or present fact;

3. "Permanently deprive" means:

- a. to withhold forever property from the person entitled to have the property or for such a period of time that a major portion of the value or enjoyment of the property is lost to that person,
- b. to use or dispose of property in a manner that makes recovery of the property unlikely by the person entitled to have the property, or
- c. to accept or use services without giving proper consideration in return and without reasonable justification or excuse for not giving proper consideration;

4. "Property" means any real or personal property of value including the following:

- a. property severed from the land,
- b. cancellation of a legal obligation,
- c. checks, credit cards, debit cards, money or documents,
- d. animals, birds and fish which are not free in nature,
- e. trade secrets,

- f. computer data in any form,
- g. the rights to record or authorize the recording of any live or broadcast performance not yet fixed in a tangible medium of expression, or
- h. the master or original of any sound or audiovisual recording or other material now known or later developed on which sounds or images are or can be recorded or otherwise stored;

5. "Services" includes labor, professional assistance, public utilities, telephone services, transportation, food, drink, entertainment, lodging or leased premises, cable television, or other similar services; and

6. "Value" means:

- a. the fair market value of the property or services at the time and place of the crime,
- b. the value of documents, other than those having a readily ascertainable market value, is:
  - (1) the amount due and collectible at maturity less that part which has been satisfied, if the document constitutes evidence of a debt, or
  - (2) the greatest amount of economic loss that the owner might reasonably expect to suffer by virtue of loss of the document, if the document is other than evidence of a debt,
- c. if property or services has a value that cannot be reasonably ascertained, the value is deemed to be a misdemeanor amount, or
- d. if the defendant gave consideration for, or had a legal interest in, the property or services, the amount of the consideration or the value of the interest shall be deducted from that of the property or services for the purpose of ascertaining value.

## Theft

SECTION 99. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Theft occurs when a person appropriates the property or services of another person without the other's consent or with consent obtained through deception. It must be with the intent to permanently deprive the other person of the property or services or with the intent to convert entrusted property to a use not authorized by the other person.

B. Aggravated theft occurs when all of the elements of theft are present and, in addition, the value of the property or services exceeds Two Thousand Dollars (\$2,000.00).

C. Theft of labor or professional assistance regardless of value is a Class \_\_\_ misdemeanor. Theft of property or services with a value not exceeding Two Hundred Fifty Dollars (\$250.00) is a Class \_\_\_ misdemeanor. Theft of property or services with a value exceeding Two Hundred Fifty Dollars (\$250.00) but not exceeding Two Thousand Dollars (\$2,000.00) is a Class \_\_\_ felony. Theft of a blank negotiable instrument, credit card or debit card is a Class \_\_\_ felony. Aggravated theft is a Class \_\_\_ felony.

## Trafficking in Telecommunication Theft Devices

SECTION 100. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in telecommunication theft devices occurs when a person knowingly manufactures, or possesses with the intent to sell, any device or equipment designed to be used to commit theft of telecommunication services, or adapts any device or equipment with the intent that it be used to commit theft of telecommunication services.

B. Trafficking in telecommunication theft devices is a Class \_\_ misdemeanor.

#### Unauthorized Use of a Vehicle

SECTION 101. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-303 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unauthorized use of a vehicle occurs when a person appropriates the motor-powered vehicle or boat of another person without the other's consent and with the intent to deprive the other person of the vehicle, either temporarily or otherwise.

B. Aggravated unauthorized use of a vehicle occurs when all of the elements of unauthorized use of a vehicle are present and, in addition, the value of the vehicle or damage caused by the actor to the vehicle is over Two Hundred Fifty Dollars (\$250.00).

C. Unauthorized use of a vehicle is a Class \_\_ misdemeanor. Aggravated unauthorized use of a vehicle is a Class \_\_ felony.

#### Extortion

SECTION 102. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-304 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Extortion occurs when a person appropriates the property or services of another person by consent obtained through coercion with the intent to permanently deprive the other person of the property or services.

B. Extortion is a Class \_\_ felony.

#### ARTICLE V

#### CRIMES AGAINST PUBLIC HEALTH

#### Part 1. Controlled Dangerous Substances

#### Uniform Controlled Dangerous Substances Act Definitions

SECTION 103. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes:

1. "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal, or research subject by a practitioner, or by the patient, the research subject, or another person, in the presence, and at the direction, of the practitioner;

2. "Agent" means a law enforcement official or peace officer appointed by, and who acts on behalf of, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. It also means an authorized person who acts on behalf, or at the direction, of a person who manufactures, distributes, dispenses, prescribes, administers, or uses for scientific purposes controlled dangerous substances. It does not include a common or contract carrier, public warehouseman or employee thereof, or any person required to register under the Uniform Controlled Dangerous Substances Act;

3. "Board" means the advisory board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or any successor agency;

4. "Bureau" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or its successor agency;

5. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine;

6. "Commission" means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission;

7. "Control" means to add, remove or change the placement of a drug, substance or immediate precursor under the Uniform Controlled Dangerous Substances Act;

8. "Controlled dangerous substance" means any drug, substance or its immediate precursor named in Schedules I through V of the Uniform Controlled Dangerous Substances Act;

9. a. "Controlled dangerous substance analogue" means a substance:

- (1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance classified in Schedule I or Schedule II,
- (2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance classified in Schedule I or Schedule II, or
- (3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance classified in Schedule I or Schedule II;

b. "controlled dangerous substance analogue" does not include:

- (1) a controlled dangerous substance,

- (2) any substance for which there is an approved new drug application,
  - (3) with respect to a particular person, any substance if an exemption is in effect for investigational use for that person under Section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or
  - (4) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance;
- c. a controlled dangerous substance analogue shall, to the extent intended for human consumption, be treated, for purposes of the Uniform Controlled Dangerous Substances Act, as a controlled dangerous substance classified in Schedule I;

10. "Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying marks, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than that of the actual manufacturer, distributor or dispenser thereof;

11. "Cultivate" means to sow, tend, grow, raise, or harvest plants in any location;

12. "Deliver" or "delivery" means the actual or constructive transfer from one person to another, whether or not an agency relationship exists;

13. "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

14. "Dispense" means to deliver a controlled dangerous substance to an ultimate user, patient, or research subject by or



pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery;

15. "Dispenser" means a practitioner who dispenses;

16. "Distribute" means to deliver a controlled dangerous substance other than by administering or dispensing;

17. "Drug" means:

- a. substances recognized in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States, or official national formulary, or any supplement to any of them,
- b. substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals,
- c. substances, other than food, intended to affect the structure or any function of the body of man or other animals, or
- d. substances intended for use as a component of any substance specified above. It does not include devices or their components, parts or accessories;

18. "Drug dependent person" means a person who is using a controlled dangerous substance on a continuous basis and, as a result of its continuous use, is in a state of psychic or physical dependence, or both. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence;

19. "Drug enforcement administration" means the Drug Enforcement Administration of the United States Department of Justice or any successor agency;

20. "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in

planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act. It includes, but is not limited to:

- a. kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived,
- b. kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances,
- c. isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled dangerous substance,
- d. testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances,
- e. scales and balances used or intended for use in weighing or measuring controlled dangerous substances,
- f. diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances,
- g. separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana,

- h. blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances,
- i. capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances,
- j. containers and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body,
- k. hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body,
- l. objects used or intended for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:
  - (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
  - (2) water pipes,
  - (3) carburetion tubes and devices,
  - (4) smoking and carburetion masks,
  - (5) roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand,
  - (6) miniature cocaine spoons and cocaine vials,
  - (7) chamber pipes,
  - (8) carburetor pipes,
  - (9) electric pipes,
  - (10) air-driven pipes,
  - (11) chillums,
  - (12) bongs, or

(13) ice pipes or chillers;

21. "Hazardous materials" means substances, whether solid, liquid or gas, which are toxic to human, animal, aquatic, or plant life, and the disposal of which is controlled by state or federal statute or regulation;

22. "Illegal plant" means any species of plant from which a controlled dangerous substance classified in Schedule I or Schedule II may be derived;

23. "Immediate precursor" means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture;

24. "Isomer" means the optical isomer, except as used in subsection C of Section 2-204 of Title 63 of the Oklahoma Statutes and paragraph 4 of subsection A of Section 2-206 of Title 63 of the Oklahoma Statutes. As used in subsection C of Section 2-204 of Title 63 of the Oklahoma Statutes, "isomer" means the optical, positional or geometric isomer. As used in subsection A of Section 2-206 of Title 63 of the Oklahoma Statutes, the term "isomer" means the optical or geometric isomer;

25. "Laboratory" means a facility approved by the Director as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction;

26. "Law enforcement official" means, in addition to the definition in paragraph 18 of Section 34 of this act, any officer or official of the United States;

27. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance, either directly or indirectly, by extraction

from substances of natural or synthetic origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, including any packaging or repackaging of the substance or labeling or relabeling of its container. "Manufacture" does not include the preparation, compounding, packaging or labeling of a controlled dangerous substance by a practitioner, or an authorized person under a practitioner's supervision, which is incident to the practitioner's administration or dispensation of a controlled dangerous substance in the course of the practitioner's professional practice, or for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale;

28. "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. The substance "*Cannabis sativa* L." includes all forms, varieties and species of the plant genus, "*Cannabis*";

29. "Medical purpose" means an intention to utilize a controlled dangerous substance for physical or mental treatment, diagnosis or for the prevention of a disease condition, not in violation of any state or federal law and not for the purpose of satisfying physiological or psychological dependence or other abuse;

30. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. opium, coca leaves and opiates,

- b. a compound, manufacture, salt, derivative or preparation of opium, coca leaves, or opiates,
- c. cocaine, its salts, optical and geometric isomers, and salts of isomers,
- d. cocaine base,
- e. ecgonine, its derivatives, their salts, isomers and salts of isomers, or
- f. a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs a through e of this paragraph, except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

31. "Nitrite" means butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing any of the preceding substances, or any of their esters, isomers, or analogues, or any other similar compound;

32. "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability. It does not include, unless specifically designated as controlled under the Uniform Controlled Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-methyl morphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms;

33. "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds;

34. "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing;

35. "Practitioner" means:

- a. a physician, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered, or otherwise permitted to deliver, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state, or
- b. a pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to deliver, dispense, conduct research with respect to, use for scientific purposes, or administer a controlled dangerous substance in the course of professional practice or research in this state;

36. "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance;

37. "Registrant" means a person who has a current registration from the Bureau pursuant to the Uniform Controlled Dangerous Substances Act, Section 2-302 of Title 63 of the Oklahoma Statutes;

38. "School property" means:

- a. any real property used by any private school, public school district, or vocational-technical school district, or
- b. any school bus, or other means of transporting students, owned or operated by any private school, public school district, or vocational-technical school district;

39. "State" means the State of Oklahoma or any other state of the United States;

40. "Tetrahydrocannabinols" means any substance which has been chemically synthesized to emulate the tetrahydrocannabinols of marihuana;

41. "Ultimate user" means a person who lawfully possesses a controlled dangerous substance for such person's own use or for the use of a member of such person's household or for administration to an animal owned by such person or by a member of such person's household;

42. "Uniform Controlled Dangerous Substances Act" means the provisions of Sections 103 through 120 of this act and the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, and any amendments or additions to either;

43. "Use" means, in Section 111 of this act, to employ, hire, persuade, induce, entice, or coerce a person to violate or assist in avoiding detection or apprehension for a violation of this act; and

44. "Youth center" means any recreational facility or gymnasium intended primarily for use by children which regularly provides athletic, civic, or cultural activities.

#### Possession of Controlled Dangerous Substances

SECTION 104. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possession of controlled dangerous substances occurs when a person knowingly possesses any Schedule III, IV or V substance, marihuana, a substance listed in subsection D of Schedule II, or any exempt preparation obtained in violation of the provisions of Section 2-313 of Title 63 of the Oklahoma Statutes.

B. Aggravated possession of controlled dangerous substances occurs when a person knowingly possesses any Schedule I or II substance, except marihuana or a substance listed in subsection D of Schedule II.



C. Possession of controlled dangerous substances is a Class \_\_ misdemeanor. Aggravated possession of controlled dangerous substances is a Class \_\_ felony.

Trafficking in Controlled Dangerous Substances

SECTION 105. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in controlled dangerous substances occurs when a person knowingly:

1. Manufactures a controlled dangerous substance;
2. Distributes a controlled dangerous substance; or
3. Possesses a controlled dangerous substance with the intent to manufacture or distribute a controlled dangerous substance.

B. Aggravated trafficking in controlled dangerous substances occurs when a person knowingly:

1. Manufactures, distributes, or possesses a controlled dangerous substance as specified in subsection C of this section;
2. Possesses any controlled dangerous substance with the intent to manufacture a controlled dangerous substance as specified in subsection C of this section; or
3. Uses a person who the actor knows or should know is a child to violate paragraph 1 of this subsection.

C. The controlled dangerous substances in the following quantities apply to aggravated trafficking:

1. Marihuana:

Level One. Twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana, or

Level Two. One thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana;

2. Cocaine or coca leaves:

Level One. Twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, or

Level Two. Three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves;

3. Heroin:

Level One. Ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, or

Level Two. Twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin;

4. Amphetamine or methamphetamine:

Level One. Twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, or

Level Two. Two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine;

5. Lysergic acid diethylamide (LSD):

Level One. One (1) gram or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), or

Level Two. Ten (10) grams or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

6. Phencyclidine (PCP):

Level One. One (1) ounce or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), or

Level Two. Eight (8) ounces or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP);

7. Cocaine base:

Level One. Five (5) grams or more of a mixture or a substance described in paragraph 2 of this subsection which contains cocaine base, or

Level Two. Fifty (50) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base.

D. Trafficking in controlled dangerous substances is punished as follows:

1. Trafficking by distributing or possessing with the intent to distribute or manufacture:

- a. a narcotic drug classified in Schedule I or Schedule II, lysergic acid diethylamide (LSD), phencyclidine (PCP), or methamphetamine, is a Class \_\_ felony,
- b. any other controlled dangerous substance classified in Schedule I or II, is a Class \_\_ felony, and
- c. a controlled dangerous substance classified in Schedule III, IV or V, is a Class \_\_ felony;

2. Trafficking by manufacturing is a Class \_\_ felony;

3. In addition to the terms of imprisonment provided by this section, persons convicted of trafficking in controlled dangerous substances shall be fined not more than ..., and may, in addition thereto, be assessed an amount not to exceed \_\_ percent (\_\_%) of the fine imposed, such assessment to be paid into a revolving fund for enforcement of the Uniform Controlled Dangerous Substances Act; and

4. Convictions for trafficking in controlled dangerous substances by manufacturing shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation. Sentences for all other trafficking in controlled dangerous substances classified in Schedules I, II, III or IV shall be subject to statutory provisions for suspended sentences, deferred judgments, or probation only when the conviction is for a first offense.

E. Aggravated trafficking in controlled dangerous substances is punished as follows:

1. A violation involving a Level One quantity as described in subsection C of this section is a Class \_\_ felony;

2. A violation involving a Level Two quantity as described in subsection C of this section is a Class \_\_ felony;

3. In addition to the terms of imprisonment provided by this section, persons convicted of aggravated trafficking in controlled dangerous substances shall be fined not more than ...; and

4. Convictions for aggravated trafficking in controlled dangerous substances shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation.

F. The provisions of this section shall not apply to any person whose conduct is authorized by this act.

#### Trafficking in Counterfeit Substances

SECTION 106. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in counterfeit substances occurs when a person knowingly:

1. Manufactures a counterfeit substance;

2. Distributes a counterfeit substance; or

3. Possesses a controlled dangerous substance with the intent to manufacture or distribute any counterfeit substance.

B. Trafficking in counterfeit substances is punished as follows:

1. If the counterfeit substance is a narcotic drug classified in Schedule I or Schedule II, or if it is lysergic acid diethylamide (LSD), phencyclidine (PCP), or methamphetamine, trafficking in counterfeit substances is a Class \_\_ felony;

2. If the counterfeit substance is any other controlled dangerous substance classified in Schedule I or II, trafficking in counterfeit substances is a Class \_\_ felony;

3. If the counterfeit substance is a controlled dangerous substance classified in Schedule III, IV or V, trafficking in counterfeit substances is a Class \_\_ felony;

4. In addition to the terms of imprisonment provided by this section, persons convicted of trafficking in counterfeit substances:

- a. shall be fined not more than ..., and
- b. may be assessed an amount not to exceed \_\_ percent (\_\_%) of the fine imposed, such assessment to be paid into a revolving fund for enforcement of the Uniform Controlled Dangerous Substances Act;

5. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation.

#### Trafficking in Imitation Controlled Dangerous Substances

SECTION 107. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in imitation controlled dangerous substances occurs when a person knowingly delivers, or possesses with the intent to deliver, a noncontrolled substance:

1. Representing it to be a controlled dangerous substance;
2. With the intent that it be used or distributed as a controlled dangerous substance; or
3. Under circumstances in which the person knows or should know that the noncontrolled substance will be used or distributed for use as a controlled dangerous substance.

B. Trafficking in imitation controlled dangerous substances is punished as follows:

1. A first conviction is a Class \_\_ misdemeanor. A second or subsequent conviction is a Class \_\_ felony; and

2. In addition to the terms of imprisonment provided by this section, persons convicted of trafficking in imitation controlled dangerous substances may be assessed an amount not to exceed \_\_ percent (\_\_%) of the fine imposed, such assessment to be paid into a revolving fund for enforcement of the Uniform Controlled Dangerous Substances Act.

C. This section shall not apply to any person authorized by the Uniform Controlled Dangerous Substances Act or by the Food and Drug Administration of the United States Department of Health and Human Services to do any of the acts otherwise prohibited by this section.

D. It is not a defense to this section that the accused believed the noncontrolled substance to be a controlled dangerous substance.

Trafficking in Controlled Dangerous Substances  
on School Property

SECTION 108. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in controlled dangerous substances in or on school property, youth centers, public housing projects, or public parks occurs when a person knowingly manufactures, distributes, or possesses with the intent to manufacture or distribute, a controlled dangerous substance in or on, or within one thousand (1,000) feet of, the real property comprising any school property, youth center, public housing project, or public park, including state parks or recreation centers. Such violation must be done with the intent that the recipient be a child.

B. Trafficking in controlled dangerous substances in or on school property, youth centers, public housing projects, or public parks is a Class \_\_ felony.

Trafficking Imitation Substance on School Property

SECTION 109. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-106 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in imitation controlled dangerous substances in or on school property, youth centers, public housing projects, or public parks occurs when a person knowingly violates Section 107 of this act in or on, or within one thousand (1,000) feet of, the real property comprising any school property, youth center, public housing project, or public park, including state parks or recreation centers. Such violation must be done with the intent that the recipient be a child.

B. Trafficking in imitation controlled dangerous substances in or on school property, youth centers, public housing projects or public parks is a Class \_\_\_ felony.

C. In addition to the term of imprisonment provided by this section, persons convicted of trafficking in imitation controlled dangerous substances in or on school property, youth center, public housing project, or public park shall be fined not more than ....

Trafficking in Controlled Dangerous Substances by Use of Child

SECTION 110. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in controlled dangerous substances by distributing to or using a child occurs when a person knowingly:

1. Distributes a controlled dangerous substance to a person whom the actor knows or should know is a child; or

2. Uses a person whom the actor knows or should know is a child to:

- a. manufacture a controlled dangerous substance,
- b. distribute a controlled dangerous substance, or

- c. possess a controlled dangerous substance with the intent to manufacture or distribute a controlled dangerous substance.

B. Trafficking in controlled dangerous substances by distributing to or using a child is punished as follows:

1. Trafficking by distributing to a child is a Class \_\_ felony;
2. Trafficking by using a child fifteen (15) years of age or older is a Class \_\_ felony. Trafficking by using a child under fifteen (15) years of age is a Class \_\_ felony; and
3. In addition to the terms of imprisonment provided by this section, persons convicted of trafficking in controlled dangerous substances by distributing to or using a child:

- a. shall be fined not more than ..., and
- b. may be assessed an amount not to exceed \_\_ percent (\_\_%) of the fine imposed, such assessment to be paid into a revolving fund for enforcement of the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

#### Possessing or Trafficking in Drug Paraphernalia

SECTION 111. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-108 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possessing or trafficking in drug paraphernalia occurs when a person knowingly:

1. Uses tincture of opium, tincture of opium camphorated, or any derivative thereof by the hypodermic method, with or without a medical prescription therefor;
2. Uses, or possesses with intent to use, drug paraphernalia to cultivate, manufacture, store, conceal, or introduce in any manner into the human body a controlled dangerous substance; or



3. Possesses, delivers, or manufactures drug paraphernalia with knowledge that it will be used to cultivate, manufacture, store, conceal, or introduce in any manner into the human body a controlled dangerous substance.

B. Aggravated possessing or trafficking in drug paraphernalia occurs when a person eighteen (18) years of age or older knowingly delivers drug paraphernalia to a person whom the actor knows or should know is a child.

C. Possessing or trafficking in drug paraphernalia is a Class \_\_ misdemeanor. Aggravated possessing or trafficking in drug paraphernalia is a Class \_\_ felony.

D. This section shall not apply to any person whose conduct is authorized by the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

E. In determining whether an object is drug paraphernalia, a court shall consider, in addition to all other relevant evidence, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. The proximity of the object, in time and space, to a violation of the Uniform Controlled Dangerous Substances Act;

3. The proximity of the object to controlled dangerous substances;

4. The existence of any residue of controlled dangerous substances on the object;

5. Direct or circumstantial evidence of the intent of any owner, or of anyone in control of the object, to deliver it to persons who intend to use the object to facilitate a violation of the Uniform Controlled Dangerous Substances Act. The innocence of an owner, or of anyone in control of the object, as to a violation

of this act shall not prevent a finding that the object is drug paraphernalia;

6. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled dangerous substances;

7. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled dangerous substances;

8. The manner in which the object is displayed for sale;

9. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

10. Direct or circumstantial evidence of the rate of sales of the object or objects to the total sales of the business enterprise;

11. The existence and scope of legitimate use for the object in the community; and

12. Expert testimony concerning its use.

Obtaining Controlled Dangerous Substances by Falsification

SECTION 112. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-109 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Obtaining controlled dangerous substances and certain preparations by falsification occurs when a person knowingly obtains any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of Title 63 of the Oklahoma Statutes in a manner inconsistent with the provisions of paragraph 1 of subsection B of that section, or knowingly obtains or procures the administration of a controlled dangerous substance:

1. By the knowing alteration of a prescription or of any written order;

2. By the knowing concealment of a material fact; or

3. By the knowing use of a false name or the giving of a false address.

B. Obtaining controlled dangerous substances and certain preparations by falsification is a Class \_\_ felony.

C. Information communicated to a practitioner in an effort to obtain or procure the administration of a controlled dangerous substance in violation of this section shall not be a privileged communication.

Unlawful Use of Proceeds or Illegal Investments

SECTION 113. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-110 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful use of proceeds or illegal investments occurs when a person knowingly:

1. Gives, receives, obtains, conceals, transports, or engages in any transaction with, or transfer of, proceeds known to be derived from a violation of the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes

2. Gives, sells, transfers, trades, invests, conceals, transports, or maintains an interest in or otherwise makes available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any violation of the Uniform Controlled Dangerous Substances Act;

3. Directs, plans, organizes, initiates, finances, manages, supervises, or facilitates the transportation or transfer of proceeds known to be derived from any violation of the Uniform Controlled Dangerous Substances Act; or

4. Conducts a financial transaction involving proceeds derived from a violation of the Uniform Controlled Dangerous Substances Act, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the

proceeds known to be derived from a violation of the Uniform Controlled Dangerous Substances Act or to avoid a transaction reporting requirement under state or federal law.

B. Unlawful use of proceeds or illegal investments is a Class \_\_\_ felony.

C. Paragraph 1 of subsection A of this section does not apply to any transaction between a person and the counsel of the person necessary to preserve the right to representation of the person as guaranteed by the Oklahoma Constitution. This exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the Uniform Controlled Dangerous Substances Act.

#### Cultivation of Illegal Plants

SECTION 114. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-111 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Cultivation of illegal plants occurs when a person knowingly:

1. Cultivates or produces any illegal plant;
2. Permits the cultivation or production of any illegal plant on or in any property owned or controlled by that person; or
3. Fails to notify a law enforcement official of the existence of, or fails to destroy, any illegal plant growing, by human effort or wild, on or in any property owned or controlled by that person.

B. Cultivation of illegal plants is a Class \_\_\_ felony.

#### Trafficking in Nitrites or Ethylchloride

SECTION 115. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-112 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in nitrites or ethylchloride occurs when a person knowingly possesses, buys, sells or otherwise transfers any compound, liquid, or chemical containing ethylchloride or nitrite,

or mixtures containing any nitrite, with the intent to induce or aid any other person to inhale or ingest such substance.

B. Trafficking in nitrites or ethylchloride is a Class \_\_ misdemeanor.

C. This section shall not apply to persons:

1. Possessing and using a nitrite as part of the care or treatment by a licensed physician of a disease, condition, or injury, or pursuant to a prescription of a licensed physician; or

2. Possessing a nitrite as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the State Department of Health.

#### Facilitating Trafficking in Controlled Dangerous Substances

SECTION 116. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-113 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Facilitating trafficking in controlled dangerous substances occurs when a person knowingly keeps, maintains, manages, controls, rents, leases, or makes available for use any store, shop, warehouse, dwelling, building, vehicle, vessel, aircraft, room, enclosure, or any other structure or place, which such person knows is used for the purpose of distributing, unlawfully possessing or manufacturing, or keeping or transporting for distribution, any controlled dangerous substance.

B. Facilitating trafficking in controlled dangerous substances is a Class \_\_ felony.

#### Violating Drug Enforcement Regulations

SECTION 117. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-114 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Violating drug enforcement regulations occurs when a person:

1. Who is subject to the requirements of Section 2-301 et seq. of Title 63 of the Oklahoma Statutes, distributes a controlled

dangerous substance in violation of Section 2-308 of Title 63 of the Oklahoma Statutes;

2. Who is a registrant, manufactures a controlled dangerous substance not authorized by the person's registration or distributes a controlled dangerous substance not authorized by the person's registration to another registrant or other authorized person;

3. Omits, removes, alters, or obliterates a symbol required by the Federal Controlled Substances Act or by the Uniform Controlled Dangerous Substances Act of this state, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

4. Refuses or fails to make, keep or furnish any record, notification, order form, statement, invoice, or information required under the Uniform Controlled Dangerous Substances Act; or

5. Refuses entry into or onto any premises authorized by the Uniform Controlled Dangerous Substances Act or refuses to allow any inspection authorized by that act.

B. Aggravated violating drug enforcement regulations occurs when all of the elements of violating drug enforcement regulations are present and, in addition, the person does the act or acts knowingly.

C. Violating drug enforcement regulations is a civil infraction subject to a fine of not more than One Thousand Dollars (\$1,000.00). Aggravated violating drug enforcement regulations is a Class \_\_\_ felony.

#### Trafficking By Registrants

SECTION 118. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-115 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking by registrants occurs when a registrant knowingly or intentionally:

1. Distributes, other than by dispensing or as otherwise authorized by the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, a controlled dangerous substance classified in Schedule I or II, in the course of the registrant's legitimate business, except pursuant to an order form as required by Section 2-308 of Title 63 of the Oklahoma Statutes;

2. Uses in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended, or issued to another person;

3. Furnishes false or fraudulent material information in, or omits any material information from, any application, report, record, or other document required to be kept or filed under the Uniform Controlled Dangerous Substances Act; or

4. Makes, distributes, or possesses any punch, die, plate, stone, or other similar thing designed to print, imprint, or reproduce the trademark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or on any labeling of either so as to render such drug a counterfeit controlled dangerous substance.

B. Trafficking by registrants also occurs when a licensed practitioner knowingly prescribes, dispenses, delivers, or administers an anabolic steroid in violation of subsection A of Section 2-312.1 of Title 63 of the Oklahoma Statutes.

C. Trafficking by registrants is a Class \_\_ felony.

D. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation.

#### Failure to Comply with Requirements for Precursor Substances

SECTION 119. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-116 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to comply with licensing, permit or reporting requirements for precursor substances occurs when a person who manufactures, sells, transfers, furnishes or receives a precursor substance listed in Section 2-322 of Title 63 of the Oklahoma Statutes knowingly:

1. Fails to comply with the requirements of Sections 2-322, 2-323, or 2-326 of Title 63 of the Oklahoma Statutes; or

2. Makes a false statement in a report or record required by Sections 2-323, 2-324, or 2-326 of Title 63 of the Oklahoma Statutes.

B. Failure to comply with licensing, permit or reporting requirements for precursor substances is a Class \_\_ misdemeanor. In addition to any fine or imprisonment otherwise authorized, a person convicted of a violation of this section shall be fined ... and the fine is to be transferred to the Oklahoma State Bureau of Investigation Revolving Fund pursuant to Section 150.19a of Title 74 of the Oklahoma Statutes.

#### Trafficking in Precursor Substances

SECTION 120. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-117 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in precursor substances occurs when a person:

1. Knowingly manufactures, sells, transfers, or otherwise furnishes a precursor substance knowing that the recipient intends to use the substance to unlawfully manufacture a controlled dangerous substance or a controlled dangerous substance analogue; or

2. Who is required to have a permit for precursor substances knowingly:

a. purchases, obtains, or possesses a precursor substance without having first obtained a permit,

b. possesses a precursor substance with no attached permit, or



c. manufactures, sells, transfers, or otherwise furnishes any person a precursor substance knowing that such person does not have a permit.

B. Trafficking in precursor substances is a Class \_\_ felony.

C. In addition to any fine or imprisonment otherwise authorized, a person convicted of violating this section shall be fined ..., and the fine is to be transferred to the Oklahoma State Bureau of Investigation Revolving Fund, pursuant to Section 150.19a of Title 74 of the Oklahoma Statutes.

## Part 2. Waste

### Waste Definitions

SECTION 121. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. "Hazardous waste" means waste whether solid, liquid, or gas, which is toxic to human, animal, aquatic, or plant life, and the disposal of which is controlled by state or federal statute or regulation.

B. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded material and by-products, including trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste.

### Misrepresentation in Waste Management

SECTION 122. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misrepresentation in waste management occurs when a person knowingly:

1. Makes a false statement, includes false data, or omits material information from a waste manifest, waste label, or other

waste compliance document, record, or plan required by law to be created, maintained, or submitted to any state agency;

2. Submits a false sample of waste for laboratory analysis;

3. Makes false statements, includes false data in, or omits material information from, a laboratory analysis of waste; or

4. Tampers with an environmental monitoring device with the intent to compromise or impair the accuracy of the device.

B. Aggravated misrepresentation in waste management occurs when all the elements of misrepresentation of waste are present and, in addition, the waste involved in the crime is hazardous waste.

C. Misrepresentation in waste management is a Class \_\_ misdemeanor. Aggravated misrepresentation in waste management is a Class \_\_ felony.

#### Unlawful Disposal of Hazardous Waste

SECTION 123. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful disposal of hazardous waste occurs when a person, without a lawful permit or authorization, knowingly disposes of hazardous waste:

1. Into a sanitary sewer system without appropriate pretreatment; or

2. At a solid waste landfill, transfer station, processing facility, or at any site without a permit for hazardous waste.

B. Unlawful disposal of hazardous waste is a Class \_\_ felony.

#### Exposing Others to Concealed Hazardous Waste

SECTION 124. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-203 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Exposing others to concealed hazardous waste occurs when a person exposes any other person to hazardous waste by knowingly:

1. Concealing the unlawful disposal of hazardous waste;

2. Concealing the fact that hazardous waste is being transported; or

3. Misrepresenting the type of hazardous waste that is being transported.

B. Exposing others to concealed hazardous waste is a Class \_\_\_ felony.

#### Improper Solid Waste Disposal Site Operation

SECTION 125. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper solid waste disposal site operation occurs when a person knowingly and unlawfully accepts more than two hundred (200) tons per day of solid waste which is generated more than fifty (50) miles from the disposal site.

B. Improper solid waste disposal site operation is a Class \_\_\_ felony.

C. It is intended that the exceptions provided for in Section 2-10-801 of Title 27A of the Oklahoma Statutes shall exclude prosecution under this section.

#### Exceptions to Waste Crimes

SECTION 126. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

Exceptions to waste crimes:

1. The discharge of household domestic sewage into a sanitary sewer system or into an individual sewer disposal system that has been approved by the State Health Department or a county health department;

2. The placement of household domestic trash, refuse, or garbage in a collection system used for solid waste disposal;

3. The disposal of one's personal household or farm wastes on one's own property;

4. The discharge of domestic sewage and waste from business or industry into a sanitary sewer system or into a publicly or privately owned industrial treatment works in compliance with a permit or specific authorization from a governmental agency;

5. The placement of trash, refuse and garbage, other than hazardous waste, from business or industry in a collection system for solid waste disposal; and

6. The recycling of waste, other than hazardous waste, by source separating scrap material for collection and processing as industrial raw materials.

#### Discharging Pollutants Without a Permit

SECTION 127. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-206 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Discharging pollutants without a permit occurs when a facility, activity, or entity regulated by the Department of Environmental Quality pursuant to the Oklahoma Pollutant Discharge Elimination System Act, Section 2-6-201 et seq. of Title 27A of the Oklahoma Statutes, knowingly discharges any pollutant knowing that such person does not have a permit to do so from the Executive Director of the Department of Environmental Quality.

B. Discharging pollutants without a permit is a Class \_\_\_\_ misdemeanor. A second violation of this section is a Class \_\_\_\_ felony.

#### Criminal Discharge of Pollutants

SECTION 128. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-207 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Criminal discharge of pollutants occurs when a person knowingly:

1. Violates any permit condition or any limitation in a permit issued pursuant to the Oklahoma Pollutant Discharge Elimination System Act;

2. Violates any requirement imposed in a pretreatment program authorized pursuant to the Oklahoma Pollutant Discharge Elimination System Act; or

3. Introduces any pollutant or hazardous substance into the waters of the state or into a treatment works discharging into the waters of the state which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under the Oklahoma Pollutant Discharge Elimination System Act and the actor knows that the introduction of that pollutant or hazardous substance does not comply with all applicable federal, state, and local requirements and permits.

B. Aggravated criminal discharge of pollutants occurs when a person knowingly introduces any pollutant or hazardous substance into the waters of the state or into a treatment works discharging into the waters of the state and the actor knows or should know that the pollutant or hazardous substance could cause personal injury or property damage.

C. Criminal discharge of pollutants is a Class \_\_\_\_ misdemeanor. A second or subsequent violation of subsection A of this section is a Class \_\_\_\_ felony. Aggravated criminal discharge of pollutants is a Class \_\_\_\_ felony.

### Part 3. Alcoholic and Nonalcoholic Beverage Crimes

#### Alcoholic and Nonalcoholic Beverage Crimes Definitions

SECTION 129. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

In alcoholic and nonalcoholic beverage crimes:

1. "Incapacitated person" means a person who by reason of mental illness, mental deficiency, or intoxication is disabled to

such an extent that the person is incapable of making a rational decision; and

2. "Nonintoxicating Beverage Act" means Section 163.1 et seq. of Title 37 of the Oklahoma Statutes.

Furnishing an Alcoholic Beverage to a Youth or Incapacitated Person

SECTION 130. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Furnishing an alcoholic beverage to a youth or incapacitated person occurs when a person sells or otherwise provides a beverage containing greater than one-half (1/2) of one percent (1%) of alcohol by weight to a person whom the actor knows or should know is under twenty-one (21) years of age or is incapacitated.

B. Furnishing an alcoholic beverage to a youth or incapacitated person is a Class \_\_\_\_ misdemeanor.

Misuse of a Nonintoxicating Beverage by a Youth

SECTION 131. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misuse of a nonintoxicating beverage by a youth occurs when a person under twenty-one (21) years of age knowingly:

1. Consumes, or possesses with the intent to consume, a nonintoxicating beverage in any public place; or

2. Purchases a nonintoxicating beverage other than when acting in cooperation with law enforcement officers in the performance of their official duties.

B. Purchase of a nonintoxicating beverage by a youth is a Class \_\_\_\_ misdemeanor.

Purchase of an Alcoholic Beverage from a Nonlicensee

SECTION 132. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-303 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Purchase of an alcoholic beverage from a nonlicensee occurs when a person buys any alcoholic beverage, either retail or wholesale, from a person whom the actor knows or should know is not licensed under the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma Statutes.

B. Purchase of an alcoholic beverage from a nonlicensee is a Class \_\_\_\_ misdemeanor.

#### Unlawful Sale of a Nonintoxicating Beverage

SECTION 133. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-304 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful sale of a nonintoxicating beverage occurs when a person sells any nonintoxicating beverage knowing that the sale is in violation of any provision of the Nonintoxicating Beverage Act, Section 163.1 et seq. of Title 37 of the Oklahoma Statutes.

B. Unlawful sale of a nonintoxicating beverage is a Class \_\_\_\_ misdemeanor.

#### Part 4. Intoxicating Substances

##### Mind-altering Substance Definitions

SECTION 134. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-400 of Title 21, unless there is created a duplication in numbering, reads as follows:

In mind-altering common substance crimes:

1. "Mind-altering condition" means any change, distortion, or disturbance of a person's senses, emotions, thought processes, judgment, balance, mobility, or coordination; and

2. "Substance" includes gasoline, glue, fingernail polish, adhesive cement, mucilage, dope, paint dispensed from pressurized containers, or any other substance or combination of substances containing solvents releasing toxic vapors. It does not include alcoholic beverages, or any substance consumed pursuant to the

lawful direction or prescription of a physician as defined in Section 725.2 of Title 59 of the Oklahoma Statutes.

Consuming Mind-altering Substance

SECTION 135. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-401 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Consuming a mind-altering common substance occurs when a person inhales or ingests any substance containing ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbon or metallic powders with the intent to induce any mind-altering condition.

B. Consuming a mind-altering common substance is a Class \_\_ misdemeanor.

Selling Mind-altering Substance to Intoxicated Person

SECTION 136. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-402 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Selling a mind-altering common substance to an intoxicated person occurs when a person, knowing that another person is intoxicated, sells or otherwise provides to that person any substance containing ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbon or metallic powders, knowing that the substance contains an intoxicant.

B. Selling a mind-altering common substance to an intoxicated person is a Class \_\_ misdemeanor.

Part 5. Miscellaneous Provisions

Smoking Where Prohibited

SECTION 137. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-500 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Smoking where prohibited occurs when a person knowingly possesses a lighted tobacco product in any of the following public



places in which are posted one or more "No Smoking" signs in sufficient quantity to be visible from all sections of the no smoking area and intentionally refuses to extinguish it upon request by any person:

1. In a public elevator;
2. In any portion of an indoor theater, concert hall, library, public art gallery, museum, or indoor roller skating rink, which is not posted with a "Smoking Permitted" sign; or
3. On any portion of a bus which is not posted with a "Smoking Permitted" sign if such posting is authorized by the Interstate Commerce Commission, the Oklahoma Corporation Commission, or a city ordinance.

B. Smoking where prohibited is a Class \_\_ misdemeanor.

#### Failure to Report Child Abuse

SECTION 138. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-510 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to report child abuse occurs when a person who is required by law to report suspected instances of physical abuse, sexual abuse or neglect of a child knowingly fails to make that report.

B. Failure to report child abuse is a Class \_\_\_\_ misdemeanor.

#### Failure to Report Criminally Injurious Conduct

SECTION 139. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-511 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to report criminally injurious conduct occurs when:

1. A person engaged in a health care profession examines, attends, or treats a person whom the actor knows or should know has suffered a gunshot wound or a serious bodily injury from a knife wound and fails to promptly report the fact of such wound or injury to a law enforcement official; or

2. A superintendent or any employee of an institution within the State Department of Mental Health and Substance Abuse Services knowingly fails to report to the district attorney of the county in which the institution is located any person who assaults or batters any patient of the institution or who uses mechanical restraints on a patient of the institution without authority to do so.

B. Failure to report criminally injurious conduct is a Class \_\_ misdemeanor.

## ARTICLE VI

### CRIMES AGAINST PUBLIC PEACE AND SAFETY

#### Part 1. General

##### Disorderly Conduct Definitions

SECTION 140. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In disorderly conduct:

1. "Excessive noise" means an unreasonably loud or harsh sound to the extent that it would be offensive to a person of common sensibilities;

2. "Obstruct" means to block, impede, or hinder. The obstruction must be physical;

3. "Official order" means one issued by an identified law enforcement official, fire fighter, other official, or paramedic; and

4. "Security guard" means a person engaged for hire to protect persons or property. It does not include a law enforcement official while in the performance of official duties.

##### Disorderly Conduct

SECTION 141. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Disorderly conduct occurs when a person unlawfully causes unreasonable public inconvenience or alarm by:

1. Being obviously intoxicated from the consumption of alcohol or other drugs;

2. Continuing to make excessive noise after having been warned to stop such conduct by a law enforcement official, security guard or other person in authority at that location;

3. Doing any act which exposes one's genitals;

4. Engaging in fighting;

5. Refusing to obey an order to disperse, issued to maintain public safety, knowing that the order is an official order;

6. Knowingly and improperly obstructing vehicular traffic or continuing to knowingly and improperly obstruct pedestrian traffic after having been warned by a law enforcement official to stop such conduct; or

7. Knowingly interfering with an Oklahoma National Guard Unit or a United States Reserve Unit while either is on drill, parade or in the performance of any military duty.

B. Disorderly conduct is a Class \_\_\_ misdemeanor.

#### False Report or Warning

SECTION 142. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. False report or warning occurs when a person unlawfully causes unreasonable public inconvenience or alarm by knowingly:

1. Making a false report of a crime, fire, bomb threat, or other catastrophe to the appropriate public authority; or

2. Giving a false warning of a crime, fire, bomb threat, or other catastrophe.

B. False report or warning is a Class \_\_\_ misdemeanor.

#### Riot

SECTION 143. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Riot occurs when five or more persons knowingly acting together and unlawfully use force or violence, or threaten to unlawfully use force or violence if accompanied by immediate power of execution.

B. Aggravated riot occurs when all of the elements of riot are present and, in addition, the actor carries a dangerous weapon or is incarcerated in a Department of Corrections facility at the time of the riot.

C. Riot is a Class \_\_ felony. Aggravated riot is a Class \_\_ felony.

#### Consuming an Intoxicant Where Prohibited

SECTION 144. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Consuming an intoxicant where prohibited occurs when a person knowingly drinks or otherwise consumes alcohol in any public place not approved by state law or regulation as a permissible location for the consumption of alcohol, or knowingly ingests, inhales, or otherwise consumes any other intoxicant in a public place.

B. Consuming an intoxicant where prohibited is a Class \_\_ misdemeanor.

#### Operating a Whiskey Still

SECTION 145. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Operating a whiskey still occurs when a person operates a whiskey still with the intent to produce alcoholic beverages.

B. Operating a whiskey still is a Class \_\_ felony.

## Part 2. Weapons Crimes

### Weapons Definitions

SECTION 146. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

In weapons crimes:

1. "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger;

2. "Chemical dispensing device" means a mechanism or tool that is designed, made, or adapted for the purpose of causing an adverse physiological effect on a human being. It does not include a pocket size chemical dispenser such as is sold commercially for personal protection;

3. "Explosive device" means an explosive, incendiary, poison gas bomb, or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage;

4. "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm and any firearm which is inoperable but which can be readily made operable;

5. "Illegal knife" means any:

a. hand instrument that has a blade that folds, closes, or retracts into the handle or sheath, and that:

- (1) opens automatically by pressure applied to a button or other device located on the handle,
- (2) opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force, or

(3) has a blade which is greater than five (5) inches in length, or

b. hand instrument with a detachable blade that is propelled by a spring operated mechanism;

6. "Knuckles" means any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious bodily injury or death;

7. "Prohibited weapon" means any automatic firearm, chemical dispensing device, explosive device, restricted bullet, sawed-off firearm, silencer, spring gun, or any other similar weapon which is not adapted for hunting, fishing or other lawful purpose;

8. "Projectile weapon" means any bow, crossbow, pellet gun, slingshot, or other weapon that is not a firearm, which is capable of expelling or propelling a projectile that could inflict serious bodily injury or death;

9. "Public gathering" means where people are assembled in any courthouse or school. It also means where people are assembled for public worship, entertainment, athletic events, educational or scientific purposes, or a political convention, or other similar event. It does not include events where people are assembled for lawful hunting, shooting, or displaying weapons;

10. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating a vest or shirt of ten (10) plies or more of bullet resistant material, as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice;

11. "Sawed off firearm" means a shotgun with a barrel or barrels less than eighteen (18) inches long, or a rifle with a barrel or barrels less than sixteen (16) inches long. The firearm must be less than twenty-six (26) inches in overall length;

12. "School property" means any real property used by any private or public school district and any school bus, or other means of transporting students, owned or operated by or for any private school or public school district;

13. "Secured", as it relates to firearms, means:

- a. that no round of ammunition is present in the chamber and that the firearm is:
  - (1) in the trunk or nonpassenger part of a vehicle,
  - (2) placed in a closed and locked container,
  - (3) rendered inoperative by the use of a trigger, hammer, cylinder, slide, or barrel locking device that renders the firearm incapable of firing until the device is unlocked and removed, or
  - (4) so disassembled or disabled as to be rendered incapable of firing, or
- b. an unloaded shotgun or rifle in plain view;

14. "Silencer" means any device designed or adapted to substantially reduce the noise made by firing any firearm;

15. "Spring gun" means any fused, timed, or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious bodily injury or death; and

16. "Violent crime" means any violent felony, burglary, or the violation of an order issued pursuant to the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes.

#### Carrying a Dangerous Weapon

SECTION 147. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Carrying a dangerous weapon occurs when a person unlawfully and knowingly carries any firearm, projectile weapon, illegal knife, or other similar weapon upon or about the person:

1. At any public gathering;

2. In any business establishment where beverages containing greater than one-half (1/2) of one percent (1%) of alcohol by weight are consumed; or

3. Which is concealed.

B. Aggravated carrying a dangerous weapon occurs when a person unlawfully and knowingly carries any firearm, projectile weapon, illegal knife, or other similar weapon upon or about the person when the actor is in the State Capitol, a courthouse, a detention facility or in or on any school property.

C. Carrying a dangerous weapon is a Class \_\_ misdemeanor.

Aggravated carrying a dangerous weapon is a Class \_\_ felony.

#### Unlawful Control of an Illegal Weapon

SECTION 148. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful control of an illegal weapon occurs when a person unlawfully and knowingly possesses, manufactures, transports, repairs, or sells any knuckles or illegal knife.

B. Aggravated unlawful control of an illegal weapon occurs when a person unlawfully and knowingly possesses, manufactures, transports, repairs, or sells any prohibited weapon.

C. Unlawful control of an illegal weapon is a Class \_\_ misdemeanor. Aggravated unlawful control of an illegal weapon is a Class \_\_ felony.

#### Unlawful Possession of a Firearm

SECTION 149. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-203 of Title 21, unless there is created a duplication in numbering, reads as follows:



A. Unlawful possession of a firearm occurs when a person unlawfully and knowingly possesses or has within that person's immediate control any firearm, other than a rifle or shotgun which has not been shortened, and:

1. The person has been convicted of a violent crime or drug related felony; or

2. The person is under adjudication of mental incompetency, has been declared mentally defective, or is committed to a mental health facility when the commitment was based on a finding of dangerousness to the defendant or others.

B. Unlawful possession of a firearm is a Class \_\_ felony.

#### Unlawful Transaction in Firearms

SECTION 150. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful transaction in firearms occurs when a person knowingly sells, gives, lends, trades, or otherwise causes the transfer of any firearm to:

1. Any person prohibited from possessing firearms, other than a person convicted of a violent crime or a drug-related felony; or

2. A child, unless the transferor is the parent, guardian, or other person having custody or control of the child.

B. Aggravated unlawful transaction in firearms occurs when all of the elements of unlawful transaction in firearms are present and, in addition, the recipient of the firearm is a person who has been convicted of a violent crime or a drug-related felony and that fact is known to the actor.

C. Unlawful transactions in firearms is a Class \_\_ misdemeanor. Aggravated unlawful transactions in firearms is a Class \_\_ felony.

#### Unlawful Transportation of a Firearm

SECTION 151. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful transportation of a firearm occurs when a person unlawfully and knowingly carries in any motor-powered vehicle a firearm which is not secured.

B. Unlawful transportation of a firearm is a Class \_\_\_ misdemeanor.

#### Exceptions to Weapons Crimes

SECTION 152. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-206 of Title 21, unless there is created a duplication in numbering, reads as follows:

The following are exceptions to weapons crimes:

1. In reference to unlawful control of an illegal weapon, displaying any weapon in a museum or public exhibition;

2. In reference to aggravated unlawful control of an illegal weapon, when dealing with a prohibited weapon solely as a curio, ornament, or keepsake, provided it must be inoperable; that is, it must be in such nonoperable condition that it cannot readily be made operable;

3. In reference to unlawful control of an illegal weapon, a person or entity which has a weapons license from the Secretary of the Treasury or if the weapon has been designated a collectors item by the Secretary of the Treasury;

4. In reference to carrying a dangerous weapon and unlawful transportation of a firearm, any firearm manufactured in 1898 or before and any firearm that uses ammunition that is obsolete or otherwise not readily available;

5. When dealing with a weapon in a manner reasonably related to the making of a commercial film, or in a rodeo or dramatic performance;

6. The possession or use of a restricted bullet by a law enforcement agency;

7. An off-duty, full-time law enforcement officer certified by the Council on Law Enforcement Education and Training (C.L.E.E.T.) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes with respect to carrying a weapon certified and approved by the officer's employing agency when the officer is not on active duty. If the off-duty officer is not wearing a law enforcement uniform prescribed by the employing agency, the officer must both:

- a. have in such officer's possession at all times when carrying the weapon the officer's official badge, commission card, and C.L.E.E.T. certification card, and
- b. keep the weapon concealed from view at all times other than when it is being used within the regulations established by the employing agency; and

8. A law enforcement officer or other person authorized by the board of education of a school district or governing body of any public or private school with respect to possession of a weapon on school property.

Purchase of Weapons and Ammunition in Contiguous States

SECTION 153. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-207 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided, such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further, such residents conform to the

provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made.

B. Residents of a state contiguous to the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in the State of Oklahoma, provided, such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further, such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which such persons reside.

### Part 3. Vehicle Crimes

#### Vehicle Crimes Definitions

SECTION 154. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

In vehicle crimes:

1. "Actual physical control" means that a person has immediate possession of a motor vehicle not then being driven but capable of present operation and the vehicle is on the travel portion of a public roadway or any portion of a public right-of-way;

2. "Blood or breath alcohol concentration" means grams of alcohol per one hundred (100) milliliters of blood if the blood was tested or grams of alcohol per two hundred ten (210) liters of breath if the breath was tested. Such tests are to be performed in accordance with the provisions of Sections 752, 756 and 759 of Title 47 of the Oklahoma Statutes in the case of motor vehicles and boats, and in accordance with Sections 302, 303 and 305 of Title 3 of the Oklahoma Statutes in the case of aircraft;

3. "Drive" means to operate a motor vehicle while it is in motion on a highway or turnpike, or in a public parking lot;

4. "Fuel container" means a fuel tank, bladder, drum or other receptacle for holding fuel;

5. "Impaired" means that at the time of a test administered within two (2) hours of the arrest of the person for blood or breath alcohol concentration, the person has a blood or breath alcohol concentration of more than five-hundredths of one percent (0.05%), but less than ten-hundredths of one percent (0.10%). There must be additional evidence that the driver's ability to operate the vehicle is affected by alcohol to the extent that public health and safety is threatened or that the driver has violated a state statute or local ordinance in the operation of a motor vehicle;

6. "Information and assistance required by law" means communication of data and fact, and help, required by Section 10-104 of Title 47 of the Oklahoma Statutes;

7. "Intoxicating beverage" means any beverage containing more than three and two-tenths percent (3.2%) alcohol by weight;

8. "Nonconforming fuel container" means a fuel container which does not conform to federal aviation regulations or has not been approved by the Federal Aviation Administration by inspection or special permit;

9. "Nonintoxicating beverage" means any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than three and two-tenths percent (3.2%) alcohol by weight;

10. "Other intoxicant" means:

- a. any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, or
- b. any substance which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous

system, vision, hearing or other sensory or motor function of the human body;

11. "Pilots" or "piloting" means:

- a. as to boats: Sailing, guiding, directing, steering, or controlling in any manner the course of a boat, and
- b. as to aircraft: To set in motion or manipulate any of the levers, the starting mechanism, the brakes or other mechanism or device of an aircraft;

12. "Reasonable time or distance" means at the first opportunity which is both safe and practicable given the speed, road, and other conditions;

13. "Roadblock" means any obstacle placed on or near a public street, highway, turnpike, or other area accessible to motor vehicles, at which one or more law enforcement officers is present and directing approaching motor vehicles to stop or to proceed;

14. "Secured" means that the container in which the intoxicating or nonintoxicating beverage is held:

- a. is the original, unopened container with the original cap and seal in place, or
- b. is in the trunk or nonpassenger part of the vehicle or is otherwise inaccessible to the driver in the vehicle while it is in motion; and

15. "Under the influence" means that a person is affected by alcohol or any other intoxicant to such a degree that the person is rendered incapable of safely piloting a boat or aircraft or driving a motor vehicle, as would a prudent person using reasonable care. This determination is to be made in accordance with the provisions of Sections 752, 756 and 759 of Title 47 of the Oklahoma Statutes.

#### Leaving the Scene of an Accident

SECTION 155. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Leaving the scene of an accident occurs when the driver of any vehicle involved in an accident which the driver knows or should know has resulted in injury to or the death of any person, fails to stop at or as close to the scene of the accident as reasonably possible and to remain at the scene of the accident until the actor has provided the information and assistance required by law.

B. Leaving the scene of an accident is a Class \_\_ felony. In addition, the Commissioner of Public Safety shall revoke the driver's license or permit, or a nonresident's operating privilege, of any person convicted of violating this section.

#### Operating a Vehicle Under the Influence

SECTION 156. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Operating a vehicle under the influence occurs when a person pilots a boat, or drives or is in actual physical control of a motor vehicle and:

1. Has a blood or breath alcohol concentration of ten-hundredths (0.10) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any other intoxicant; or

4. Is under the combined influence of alcohol and any other intoxicant.

B. Operating a vehicle under the influence is a Class \_\_ misdemeanor. Any person who, within the prior ten (10) years, has been convicted of a violation of this section or who has been convicted in a municipal criminal court of record for the same acts which constitute a violation of this section, is subject to punishment for a Class \_\_ felony upon conviction of a second offense. In addition, any person convicted of a third or subsequent

violation shall be subject to the habitual offender provisions of Section 14 of this act.

#### Operating a Vehicle with Impaired Ability

SECTION 157. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-303 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Operating a motor-powered vehicle with impaired ability occurs when a person drives or is in actual physical control of a motor-powered vehicle while that person's ability to operate the motor-powered vehicle is impaired by the consumption of alcohol.

B. Operating a motor vehicle with impaired ability is a Class \_\_\_ misdemeanor.

#### Reckless Driving

SECTION 158. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-304 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Reckless driving occurs when a person drives a motor-powered vehicle or pilots a boat in a criminally negligent manner and, in addition:

1. Disregards the safety of other persons or property; or
2. Fails to attain or exceeds the speed that a reasonable person would have considered safe.

B. Reckless driving is a Class \_\_\_ misdemeanor.

#### Unlawfully Transporting a Regulated Beverage

SECTION 159. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-305 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawfully transporting a regulated beverage occurs when a person drives any motor-powered vehicle and knowingly carries in such vehicle any intoxicating or nonintoxicating beverage which is not secured.



B. Unlawfully transporting a regulated beverage is a Class \_\_\_\_ misdemeanor.

Unlicensed Operation of a Motor-Powered Vehicle

SECTION 160. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-306 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlicensed operation of a motor-powered vehicle occurs when a person drives a motor-powered vehicle knowing that the actor is not licensed to drive that classification of vehicle.

B. Aggravated unlicensed operation of a motor-powered vehicle occurs when a person drives a motor-powered vehicle knowing that the person is disqualified from operating such vehicle or knowing that the person's privilege to drive such vehicle has been cancelled, denied, suspended or revoked.

C. Unlicensed operation of a motor-powered vehicle is a Class \_\_\_\_ misdemeanor. Aggravated unlicensed operation of a motor-powered vehicle is a Class \_\_\_\_ misdemeanor.

Operating an Aircraft Under the Influence

SECTION 161. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-350 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Operating an aircraft under the influence occurs when a person pilots an aircraft and:

1. Has a blood or breath alcohol concentration of four-hundredths (0.04) or more within two (2) hours after the arrest of such person;
2. Is under the influence of alcohol;
3. Is under the influence of any other intoxicant; or
4. Is under the combined influence of alcohol and any other intoxicant.

B. Operating an aircraft under the influence is a Class \_\_\_\_ misdemeanor. Any person who, within the prior ten (10) years, has

been convicted of a violation of this section or who has been convicted in a municipal criminal court of record for the same acts which constitute a violation of this section, is subject to punishment for a Class \_\_ felony upon conviction of a second offense. In addition, any person convicted of a third or subsequent violation shall be subject to the habitual offender provisions of Section 14 of this act.

Permitting the Unlawful Operation of an Aircraft

SECTION 162. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-351 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Permitting the unlawful operation of an aircraft occurs when a person who owns or is in control of an aircraft knowingly allows the aircraft to be operated by a person who is under the influence.

B. Permitting the unlawful operation of an aircraft is a Class \_\_ misdemeanor.

Operating an Unregistered Aircraft

SECTION 163. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-352 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Operating an unregistered aircraft occurs when a person operates an aircraft in this state which the person knows is not registered with the Federal Aviation Administration Office of Aircraft Registry or with a foreign country which has ratified and is subject to the convention on the international recognition of rights in aircraft.

B. Operating an unregistered aircraft is a Class \_\_ felony.

Possessing or Equipping an Aircraft

with a Nonconforming Fuel Container

SECTION 164. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-353 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possessing or equipping an aircraft with a nonconforming fuel container occurs when a person:

1. Equips, or installs on, any aircraft, or installs in the wings or fuselage of any aircraft, a fuel container knowing that it is nonconforming; or

2. Possesses any aircraft knowing that it has been equipped with, or had installed in its wings or fuselage, any nonconforming fuel container.

B. Possessing or equipping an aircraft with a nonconforming fuel container is a Class \_\_ felony.

#### Part 4. Law Enforcement

##### Eluding a Law Enforcement Officer

SECTION 165. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-400 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Eluding a law enforcement officer occurs when a person who is operating a motor-powered vehicle or boat, knowing that a law enforcement officer has signaled for the person to stop:

1. Fails to bring the vehicle to a stop in a reasonable time or distance; or

2. Takes any other action with the intent to evade the law enforcement officer.

B. Aggravated eluding a law enforcement officer occurs when a person who is operating a motor vehicle approaches a roadblock and knowingly proceeds through the roadblock without stopping or without receiving permission to proceed from a law enforcement officer.

C. Eluding a law enforcement officer is a Class \_\_ misdemeanor. Aggravated eluding a law enforcement officer is a Class \_\_ misdemeanor.

##### Resisting Arrest

SECTION 166. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-401 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Resisting arrest occurs when a person defies a person whom the actor knows is a law enforcement officer in the process of arresting the actor.

B. Resisting arrest is a Class \_\_\_ misdemeanor.

Refusing to Assist a Law Enforcement Officer

SECTION 167. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-402 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Refusing to assist a law enforcement officer occurs when a person, at the request or command of a person known to the actor to be a law enforcement officer, unjustifiably refuses or fails to assist the officer in executing process, making an arrest, or preventing another person from committing a crime.

B. Refusing to assist a law enforcement officer is a Class \_\_\_ misdemeanor.

Obstructing a Law Enforcement Animal Definitions

SECTION 168. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-403 of Title 21, unless there is created a duplication in numbering, reads as follows:

In obstruction of a law enforcement animal:

1. "Police dog" means any dog used by law enforcement officials which is specially trained for law enforcement work and is subject to the control of a law enforcement officer who has successfully completed the required training in the handling of a police dog; and

2. "Police horse" means any horse which is used by law enforcement officials for law enforcement work.

Obstruction of a Law Enforcement Animal

SECTION 169. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-404 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Obstruction of a law enforcement animal occurs when a person knowingly interferes with the lawful performance of a police dog or police horse.

B. Aggravated obstruction of a law enforcement animal occurs when all of the elements of obstruction of a law enforcement animal are present and, in addition, the actor is in the commission of a felony.

C. Obstruction of a law enforcement animal is a Class \_\_ misdemeanor. Aggravated obstruction of a law enforcement animal is a Class \_\_ felony.

#### Obstructing Firefighting

SECTION 170. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-405 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Obstructing firefighting occurs when a person engages in any conduct with the intent to prevent or dissuade any person, other than a law enforcement official, firefighter, or other similar official, from extinguishing a fire.

B. Aggravated obstructing firefighting occurs when a person interferes with the progress of firefighters on their way to the location of any fire with the intent to prevent the firefighters from extinguishing the fire.

C. Obstructing firefighting is a Class \_\_ misdemeanor. Aggravated obstructing firefighting is a Class \_\_ felony.

#### Part 5. Other

#### Illegal Manufacture of Fireworks Definition

SECTION 171. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-500 of Title 21, unless there is created a duplication in numbering, reads as follows:

In illegal manufacture of fireworks, "Class B display fireworks" means all articles of larger fireworks designed primarily to produce visible or audible effects by combustion or explosion, including firecrackers and salutes containing more than two (2) grains (130mg) of explosive composition and other exhibition display items that exceed the limits for classification as Class C fireworks according to the Department of Transportation.

Illegal Manufacture of Fireworks

SECTION 172. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-501 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal manufacture of fireworks occurs when a person knowingly:

1. Manufactures Class B display fireworks without having first obtained a certification of a satisfactory fire and safety inspection from the State Fire Marshal; or

2. Refuses to comply with an order of the State Fire Marshal to close a Class B display fireworks manufacturing facility.

B. Illegal manufacture of fireworks is a Class \_\_ misdemeanor.

ARTICLE VII

CRIMES AGAINST THE PUBLIC INTEREST

Part 1. Bribery and Misconduct

Bribery Definitions

SECTION 173. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In bribery crimes:

1. "Benefit" has the meaning specified in paragraph 2 of Section 34 of this act except, as used in bribery of a public servant, it does not include remuneration, wages, salary, reimbursement of expenses or other compensation paid to a public servant by the government as provided by law or by the contract

governing the public servant's compensation, nor does it include a political exchange. In commercial bribery, benefit does not include remuneration, wages, salary, reimbursement of expenses, or other compensation paid to an agent, employee, or fiduciary by such person's principal, employer, or beneficiary;

2. "Official act" means a decision, award of contract, judgement, opinion, report, recommendation, vote, or other exercise of discretion or the performance of a legal duty by a public servant;

3. "Political exchange" means:

- a. arrangements among legislators for reciprocal support or commitments on matters of public policy, which arrangements do not include any financial gain or advantage to such legislators, or
- b. an advantage promised, or a general commitment made, with respect to a public issue, by a candidate in the course of seeking votes in an election, which is made generally to a large enough number of people so as to make the promise or commitment essentially a matter of public record;

4. "Public servant" means:

- a. any officer, agent, or employee of government, whether executive, legislative, judicial, or ministerial and whether elected or appointed, including legislators and judges,
- b. any person, other than a witness, participating in government as juror, advisor, receiver, hearing examiner, consultant or otherwise, in performing a governmental duty, or
- c. a candidate for an elective office or an applicant for an appointive position in government;

5. "Sports contest" means any professional or amateur sport or athletic game or contest between individual contestants or teams of contestants, the occurrence of which public notice is given before the event;

6. "Sports official" means any person who acts in sports contests as an umpire, referee, judge, or otherwise officiates at sports contests. It also means any person having duties in relation to any horse race or racehorse, including any trainer, jockey, starter, assistant starter, gatekeeper or agent, or any other person having charge of, or access to, any racehorse; and

7. "Sports participant" means any person who participates or expects to participate in a sports contest as a player, contestant, or team member, coach, manager, trainer, or any other person directly associated with a player, contestant, team, or team member in connection with a sports contest.

#### Bribery in a Sports Contest

SECTION 174. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bribery in a sports contest occurs when:

1. A person offers, gives, or agrees to give to a sports participant, or a sports participant solicits, accepts or agrees to accept from another person, any benefit with the intent that it be exchanged for the sports participant's using less than the participant's best effort in a sports contest or the participant's decision to refrain from participating in a sports contest; or

2. A person offers, gives or agrees to give a sports official, or a sports official solicits, accepts or agrees to accept from another person, any benefit with the intent that it be exchanged for the sports official's improperly performing the official's duties in or in connection with a sports contest.

B. Bribery in a sports contest is a Class \_\_ felony.



### Bribery of a Public Servant

SECTION 175. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bribery of or by a public servant occurs when a person offers, gives, or agrees to give to a public servant, or when a public servant solicits, accepts, or agrees to accept from another person, any benefit with the intent that it be exchanged for an official act or omission to act by that public servant.

B. Bribery of a public servant is a Class \_\_ felony. In addition, any public servant convicted of violating this section shall forfeit such public servant's office.

### Bribery of a Voter

SECTION 176. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bribery of a voter occurs when a person offers, gives, or agrees to give to a voter, or when a voter solicits, accepts, or agrees to accept from another person, any benefit with the intent that it be exchanged for a vote either for or against a specified candidate or a specified question, for a voter's refraining from casting a vote in any election or in exchange for the voter signing, or removing the voter's signature from, a petition to impanel a grand jury.

B. Bribery of a voter is a Class \_\_ felony.

### Bribery of a Witness

SECTION 177. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bribery of or by a witness occurs when a person offers, gives, or agrees to give to a witness, or when a witness solicits,

accepts, or agrees to accept from another person, any benefit with the intent that it be exchanged for:

1. False testimony or information by the witness;
2. The withholding of testimony, information, or physical evidence by the witness;
3. The avoidance by the witness of service of legal process summoning the witness to testify; or
4. The absence of the witness from an official proceeding to which the witness has been legally summoned.

B. Bribery of a witness is a Class \_\_ felony.

#### Commercial Bribery

SECTION 178. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Commercial bribery occurs when a person offers, gives, or agrees to give to an employee, agent, or fiduciary, or when an employee, agent, or fiduciary solicits, accepts, or agrees to accept from another person, any benefit with the intent that it be exchanged for influence over that person's conduct as an employee, agent, or fiduciary when such conduct is adverse to the person's employer, principle or beneficiary.

B. Commercial bribery is a Class \_\_ felony.

#### Making or Receiving a Kickback Definitions

SECTION 179. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-106 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of making or receiving a kickback:

1. "Person holding a higher tier contract with the state" means a person who holds a contract or subcontract for the furnishing of goods or services to the state and who may subcontract any part of such contract or subcontract to others; and

2. "Kickback" means the return or refund of any portion of the funds to which a person is entitled pursuant to a state contract.

Making or Receiving a Kickback

SECTION 180. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-107 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Making or receiving a kickback occurs when a person:

1. Knowingly gives a kickback to a public servant or to a person holding a higher tier contract with the state; or

2. Who is a public servant or who holds a higher tier contract with the state knowingly receives a kickback from another person.

B. Making or receiving a kickback is a Class \_\_\_\_ felony.

C. It is intended that this crime not be applicable when bribery or extortion is present.

Interference with the Competitive Bidding Process

SECTION 181. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-108 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Interference with the competitive bidding process occurs when a person other than a public servant knowingly interferes with the competitive bidding process of the State of Oklahoma.

B. Interference with the competitive bidding process is a Class \_\_\_\_ misdemeanor.

Conflict of Interest by a Public Servant Definitions

SECTION 182. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-109 of Title 21, unless there is created a duplication in numbering, reads as follows:

In conflict of interest and related crimes:

1. "Material interest" means ownership of more than ten percent (10%) of an entity or of the stock of an entity or any percentage which constitutes a controlling interest. It does not include any such interest held by a blind trust;

2. "Public servant" means, in addition to the meaning of paragraph 29 of Section 34 of this act, any member of the public servant's immediate family, or any entity in which the public servant or a member of the public servant's immediate family has a material interest; and

3. "Relevant governmental entity" means the unit of government by which the public servant is employed or to which the public servant has been elected.

#### Conflict of Interest by a Public Servant

SECTION 183. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-110 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Conflict of interest by a public servant occurs when a public servant knowingly:

1. Sells any property to, buys any property from, leases any property to or from, or sells or leases any property for the use of, the relevant governmental entity;

2. Enters into a contract or agreement with the relevant governmental entity beyond the person's approved salary and benefits;

3. Makes a recommendation, or participates in a decision, to purchase, sell or lease any property, or to award a contract, in which the public servant has a material interest;

4. Buys or otherwise acquires any bonds, warrants, or other evidence of indebtedness of the relevant governmental entity;

5. Buys or gains financially from the transfer of any surplus property of the relevant governmental entity or a public trust of which that entity is beneficiary, unless that surplus property is offered for sale to the public after notice of the sale is published;

6. Represents for compensation any person in any matter before the relevant governmental entity; or

7. Owns a material interest in any property which is subject to regulation or which can be benefitted by the relevant governmental entity.

B. Aggravated conflict of interest by a public servant occurs when all of the elements of conflict of interest by a public servant are present and, in addition, the benefit to the public servant or any loss to the relevant governmental entity exceeds Two Thousand Dollars (\$2,000.00).

C. Conflict of interest by a public servant is a Class \_\_ misdemeanor. Aggravated conflict of interest by a public servant is a Class \_\_ felony. In addition, any person convicted of violating this section shall be removed from office and any contract involved in the violation shall be void.

#### Improper Use of a Public Servant's Influence

SECTION 184. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-111 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper use of a public servant's influence occurs when a person knowingly employs any public servant, other than a legislator, to represent such person before the relevant governmental entity.

B. Improper use of a public servant's influence is a Class \_\_\_\_ misdemeanor.

#### Contingent Fees for Official Action

SECTION 185. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-112 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Contingent fees for official action occurs when a person knowingly:

1. Employs another person to render any service in exchange for compensation contingent in whole or in part on the passage or defeat of any legislation or the approval, rejection, or veto of any

official action by any member of the executive branch of state government; or

2. Renders any service in exchange for compensation contingent in whole or in part on the passage or defeat of any legislation or on the approval, rejection, or veto of any official action by any member of the executive branch of state government.

B. Contingent fees for official action is a Class \_\_\_\_ felony.

Official Misconduct

SECTION 186. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-113 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Official misconduct occurs when an elected official:

1. Fails to perform a duty which the elected official knows is either imposed by statute or inherent in the nature of the elected official's position; or

2. Performs an act in the person's official capacity which is unauthorized or which exceeds that person's authority with the intent to obtain a benefit or to unlawfully harm another person.

B. Official misconduct also occurs when a public servant:

1. Fails to perform a duty imposed by statute or which is inherent in the nature of the actor's position with the intent to obtain a benefit or unlawfully harm another person or the public; or

2. Performs an act in the person's official capacity which is unauthorized or which exceeds that person's authority with the intent to obtain a benefit or to unlawfully harm another person or the public.

C. Aggravated official misconduct occurs when an election officer or commissioner appointed pursuant to the laws of the State of Oklahoma fails to perform the duties assigned to that officer or commissioner with the intent to alter, influence, or subvert the results of an election.

D. Official misconduct is a Class \_\_\_\_ misdemeanor. Aggravated official misconduct is a Class \_\_\_\_ felony.

E. It is intended that this crime not be applicable when bribery of a public servant is present.

#### Breach of Confidential Information Definitions

SECTION 187. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-114 of Title 21, unless there is created a duplication in numbering, reads as follows:

In breach of confidential information and related crimes:

1. "Confidential information" means any information, written or otherwise, which is classified as confidential by state law, the disclosure of which is prohibited by state law, whether specifically designated as confidential or not, or to which access is limited by state law to particular persons only; and

2. "Public servant" means, in addition to its meaning in paragraph 29 of Section 34 of this act, a certified adoption agency and a licensed child placing agency as defined in Title 10 of the Oklahoma Statutes.

#### Breach of Confidential Information

SECTION 188. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-115 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Breach of confidential information occurs when a person who is or has been a public servant, while in office or after leaving office, reveals to, or allows access to confidential information by, a person whom the actor knows is not authorized to receive such information, other than by giving sworn testimony or evidence in a legal proceeding in conformity with a court order.

B. Breach of confidential information is a Class \_\_\_\_ misdemeanor.

#### Exploitation of Confidential Information

SECTION 189. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-116 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Exploitation of confidential information occurs when a person:

1. Who is not entitled to receive confidential information knowingly receives and uses such information; or

2. Who is entitled to receive confidential information, receives and uses such information for any purpose which the actor knows is not authorized by law.

B. Exploitation of confidential information is a Class \_\_\_\_ misdemeanor.

## Part 2. Election Crimes

### False Voter Notarization

SECTION 190. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. False voter notarization occurs when a person who is authorized to administer oaths knowingly notarizes, verifies, acknowledges, or attests to the signature on the affidavit of an absent voter or on the attestation of an incapacitated voter, and the person whose affidavit or attestation is taken does not actually appear in person before the person authorized to administer oaths.

B. False voter notarization is a Class \_\_\_\_ felony.

### Election Subversion

SECTION 191. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Election subversion occurs when a person does any act with the intent to change a voter's vote, change the composition of an official ballot or ballots, change the counting of the ballots, or change the certification of the results of an election.



B. Election subversion is a Class \_\_\_\_ felony.

Unauthorized Possession of Voting Materials

SECTION 192. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unauthorized possession of voting materials occurs when a person without authorization knowingly possesses any ballot, blank voter identification cards, or blank voter registration materials.

B. Unauthorized possession of voting materials is a Class \_\_\_\_ misdemeanor.

Illegal Initiative Petition Activities

SECTION 193. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-203 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal initiative petition activities occurs when a person, knowing that the person is not a qualified elector:

1. Circulates any initiative or referendum petition concerning the State Constitution or the laws of any level of government in this state;

2. Knowingly signs the person's name more than once for the same initiative or referendum measure at one election; or

3. Signs an initiative or referendum petition.

B. Illegal initiative petition activities is a Class \_\_\_\_ misdemeanor.

Unlawful Purchasing Practice Definition

SECTION 194. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of unlawful purchasing practice, "splits" means to divide a contract or purchase into parts so that the parts do not meet the monetary amounts required to bring the contract or purchase

within the purview of the bidding laws of Section 633 of Title 69 of the Oklahoma Statutes.

#### Unlawful Purchasing Practices

SECTION 195. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful purchasing practice occurs when a public servant, with the intent to evade any statutorily imposed competitive bidding procedure:

1. Enters into any contract or lease;
2. Splits any contract, purchase, or purchase order; or
3. Allows any unlawful claim in payment of any contract, lease, purchase, or purchase order.

B. Unlawful purchasing practice is a Class \_\_\_ felony. In addition, any contract violating this section is void.

C. The following are exceptions to unlawful purchasing practice:

1. Any county construction contract the total estimated cost of which is less than Twenty-five Thousand Dollars (\$25,000.00);
2. A county purchase or purchases in which neither a single purchase nor the aggregate cost of all the purchases exceeds One Thousand Five Hundred Dollars (\$1,500.00); and
3. Any contract, lease, purchase, or purchase order excepted by Section 85.7 of Title 74 of the Oklahoma Statutes.

#### Improper Disposal of Public Records Definitions

SECTION 196. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-206 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of improper disposal of public records:

1. "Local record" means a record of a county, city, town, village, township, district, authority, or any public corporation or

political entity whether organized and existing under charter or under general law;

2. "Record" means any document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance, or in connection with the transaction of official business, the expenditure of public funds, or the administration of public property. "Record" does not include library and museum material made or acquired and preserved solely for reference or exhibition purposes and stocks of publications; and

3. "State record" means:

- a. a record of a department, office, commission, board, authority or other agency, however designated, of the State of Oklahoma,
- b. a record of the State Legislature,
- c. a record of the Supreme Court, the Court of Criminal Appeals or any other court of record, whether of statewide or local jurisdiction, or
- d. any other record, including a local record, designated or treated as a state record under state law.

#### Improper Disposal of Public Records

SECTION 197. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-207 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper disposal of public records occurs when a public servant responsible for maintaining state records destroys or otherwise disposes of any state record knowing the archives and records commission has not determined that the state record has no further administrative, legal, fiscal, research, or historical value.

B. Improper disposal of public records is a Class \_\_ felony.  
In addition, the public servant shall be subject to removal from office.

#### Official Profiteering Definition

SECTION 198. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-208 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of official profiteering, "insider information" means knowledge of any fact or data or of official action contemplated by a governmental entity obtained by a public servant because of such person's position as a public servant or obtained from another public servant. Such knowledge constitutes insider information if it has not been made accessible to the public.

#### Official Profiteering

SECTION 199. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-209 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Official profiteering occurs when:

1. A public servant acquires insider information and knowingly uses it for personal gain; or

2. A person who has been a public servant within the last three (3) years knowingly uses for personal gain insider information acquired by that person while a public servant.

B. Official profiteering is a Class \_\_ misdemeanor.

#### Nepotism Definition

SECTION 200. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-210 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of nepotism, "ineligible relative" means any person related to the public servant by affinity or consanguinity within the third degree. A divorce terminates all relationships by affinity.

### Nepotism

SECTION 201. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-211 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Nepotism occurs when a public servant knowingly:

1. Appoints or votes to appoint an ineligible relative to any position in the same unit of government in which the public servant is engaged if the compensation for such services will be paid out of the public funds or fees of that unit of government;

2. Draws or authorizes the drawing of any warrant or authority for payment of compensation out of any public fund to any ineligible relative of such public servant; or

3. Pays out of any public fund in such public servant's custody or under such public servant's control compensation to any ineligible relative of such public servant.

B. Nepotism is a Class \_\_ misdemeanor. In addition, the public servant shall be subject to removal from office.

C. It is intended that a public servant be charged with no more than one of the alternatives specified in subsection A of this section with respect to any individual ineligible relative.

### Illegal Voting

SECTION 202. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-212 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal voting occurs when a person votes in any election for public office or on a public question knowing that such person is not eligible to vote in that election.

B. Illegal voting also occurs when a person votes in any election for public office or on a public question knowing that such person has already voted in that election.

C. Illegal voting is a Class \_\_\_ felony.

### Multiple Voting in a Collective Bargaining Election

SECTION 203. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-213 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Multiple voting in a collective bargaining election occurs when a person knowingly votes more than once in any election to determine which, if any, employee organization shall represent the employees in any employee bargaining unit.

B. Multiple voting in a collective bargaining election is a Class \_\_\_\_ misdemeanor.

Manufacturing or Using Anonymous Campaign Literature Definitions

SECTION 204. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-214 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of manufacturing or using anonymous campaign literature:

1. "Anonymous" means that there does not appear in a conspicuous place on any written or printed campaign literature, or within a broadcast statement, either the name and address of the person who paid for the communication if an individual, or the name and address of the president, chairman, or secretary, or of two (2) officers of any organization, if an organization paid for the communication;

2. "Campaign literature" means any statement, circular, poster, or advertisement which is designed to influence the vote of any citizen on the nomination or election of a candidate or on any question or issue in a governmental election, or to influence the vote of any member of the Legislature. It includes written, printed and broadcast communications. It does not include:

a. any small items upon which the required information cannot be conveniently printed, such as bumper stickers, pins, and buttons,

- b. any means of display of such a nature that the inclusion of the required material would be impractical, such as skywriting and water towers,
- c. any matter broadcast by the electronic media or anything published in any recognized newspaper or periodical circulating as such, which is broadcast or published by the respective media on its own behalf and upon its own responsibility and for which it does not charge or receive any compensation, or
- d. any publication issued by any legally constituted election officials in the performance of their duties;

3. "Distributes" means circulate, disseminates, posts, displays, or otherwise makes widely available. It does not include the delivery of such materials by a volunteer; and

4. "Manufactures" means creates or procures the creation.

#### Manufacturing or Using Anonymous Campaign Literature

SECTION 205. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-215 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Manufacturing or using anonymous campaign literature occurs when a person knowingly manufactures, broadcasts, or distributes any anonymous campaign literature.

B. Manufacturing or using anonymous literature is a Class \_\_ misdemeanor.

### Part 3. Judicial System Crimes

#### Recording Jury Proceedings

SECTION 206. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Listening, observing, or recording jury proceedings occurs when:

1. A person, other than a juror in the case under deliberation, knowingly listens to, observes, or records by means of any device, the deliberations or voting of any grand or petit jury; or

2. A juror records either grand or petit jury proceedings, other than by taking notes to assist in the jury's deliberations, with the intent to violate the juror's oath.

B. Listening, observing, or recording jury proceedings is a Class \_\_ felony.

#### Witness Definitions

SECTION 207. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

In witness crimes:

1. "Persuasion" means to prevail upon another person by means other than bribery, coercion, or deception; and

2. "Unlawful harm" means loss, disadvantage, or injury which does not constitute a crime but which would be the basis of a civil action.

#### Tampering with a Witness

SECTION 208. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tampering with a witness occurs when a person knowingly induces a witness through deception or persuasion to give false testimony or information or to withhold any unprivileged testimony, information, or physical evidence. The tampering must be done with the intent to subvert an official proceeding or investigation.

B. Tampering with a witness is a Class \_\_ felony.

#### Preventing a Witness From Appearing

SECTION 209. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-303 of Title 21, unless there is created a duplication in numbering, reads as follows:



A. Preventing a witness from appearing occurs when a person knowingly prevents a witness from appearing at an official proceeding or investigation either by obstructing service of process summoning the witness to testify or supply evidence or by causing the witness to be absent from an official proceeding or investigation to which the witness has been legally summoned. The prevention must be done with the intent to subvert an official proceeding or investigation.

B. Preventing a witness from appearing is a Class \_\_ felony.

#### Retaliation Against a Witness

SECTION 210. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-304 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Retaliation against a witness occurs when a person knowingly inflicts unlawful harm upon a witness or upon another person with whom the witness has a family, social, business, or other similar relationship and the harm is done with the intent to retaliate for any lawful act done by a person as a witness.

B. Retaliation against a witness is a Class \_\_ felony.

#### Suppressing Evidence

SECTION 211. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-305 of 21, unless there is created a duplication in numbering, reads as follows:

A. Suppressing evidence occurs when a person maliciously and through fraud, deceit, or intimidation, prevents any party to an official proceeding from:

1. Obtaining any article which may be physical evidence in that proceeding; or

2. Procuring the attendance or testimony of any witness in that proceeding.

B. Suppressing evidence is a Class \_\_ misdemeanor.

#### Tampering with Physical Evidence

SECTION 212. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-306 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tampering with physical evidence occurs when a person knowingly alters, damages, destroys, conceals, or removes any physical evidence with the intent to impair or prevent its use in an official proceeding or investigation.

B. Tampering with physical evidence is a Class \_\_ felony.

#### Escape Definitions

SECTION 213. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-307 of Title 21, unless there is created a duplication in numbering, reads as follows:

In escape and related crimes:

1. "Detention facility" means any place for detaining persons who are in official custody;

2. "Official custody" means arrest, detention in a facility for custody of persons charged with or convicted of a crime or alleged or found to be delinquent, detention while awaiting extradition or deportation, or detention for any other law enforcement purpose. It does not include supervision of persons on probation or parole or conditions attached to a suspended sentence or to release pending appearance at proceedings; and

3. "Unauthorized matter" means any article, object, or substance which a person in a detention facility is not authorized to possess by law or by rule of the facility.

#### Escape

SECTION 214. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-308 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Escape occurs when a person knowingly:

1. Departs without authorization from official custody; or

2. Fails to return to official custody following a temporary authorized leave.

B. Aggravated escape occurs when all of the elements of paragraph 1 of subsection A of this section are present and, in addition:

1. The person uses force or threat of force to accomplish the escape; or

2. The person is in official custody upon a felony charge or following a determination of guilt of a felony.

C. Escape is a Class \_\_ felony. Aggravated escape is a Class \_\_ felony.

#### Default in Appearance at Court Proceeding

SECTION 215. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-309 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Default in appearance at court proceedings occurs when a person intentionally fails to appear or surrender knowing that such appearance or surrender is required by the conditions of release from official custody by court order.

B. Default in appearance at court proceedings involving a misdemeanor is a Class \_\_ misdemeanor. Default in appearance at court proceedings involving a felony is a Class \_\_ felony. Default in appearance at court proceedings involving both misdemeanors and felonies is a Class \_\_ felony.

#### Introducing Unauthorized Matter into a Detention Facility

SECTION 216. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-310 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Introducing unauthorized matter into a detention facility occurs when a person knowingly brings or sends any unauthorized object, article, or substance other than a controlled dangerous substance or a weapon, into a detention facility.

B. Introducing unauthorized matter into a detention facility is a Class \_\_\_ misdemeanor.

#### Perjury Definitions

SECTION 217. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-311 of Title 21, unless there is created a duplication in numbering, reads as follows:

In perjury and related crimes:

1. "Oath" means a promise or affirmation to tell the truth, administered according to law; and

2. "Statement" means any oral or written representation of a fact.

#### Perjury

SECTION 218. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-312 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Perjury occurs when a person in an official proceeding or official proceedings knowingly:

1. Makes a false statement under oath;

2. Swears to or reaffirms the truth of a previously made false statement; or

3. Makes inconsistent statements under oath when at least one of the statements is false. In a prosecution under this section, the state need not allege or prove which of the statements is false, but only that one or the other was known by the actor to be false.

B. Perjury is a Class \_\_\_ felony.

#### False Swearing

SECTION 219. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-313 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. False swearing occurs when a person in other than an official proceeding:

1. Makes a false statement under oath with the intent to mislead a public servant in performing an official duty;

2. Knowingly makes a false statement under oath when the statement is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

3. Swears to or reaffirms the truth of a false statement previously made with the intent to mislead a public servant in performing an official duty.

B. False swearing is a Class \_\_ misdemeanor.

#### Unsworn Falsification

SECTION 220. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-314 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unsworn falsification occurs when a person communicates with a public servant in the performance of an official duty by:

1. Making a false statement in writing with the intent to mislead the public servant;

2. Omitting information from a written application for any benefit knowing that such information is necessary to prevent statements therein from being misleading; or

3. Making use of any writing or object knowing that it is not authentic or that it is false.

B. Unsworn falsification also occurs when a party to litigation makes a false unsworn representation in the course of litigation with the intent to mislead any other party as to any material fact in that litigation.

C. Aggravated unsworn falsification occurs when a person omits information in a writing, or gives false or misleading information in a writing to any governmental agency or board, or entity performing any service for a governmental agency or board, with the intent to affect the promulgation of any rule by the governmental agency.

D. Unsworn falsification is a Class \_\_\_ misdemeanor. Aggravated unsworn falsification is a Class \_\_\_ felony.

E. It is intended that unsworn falsification not cover situations within the crimes of food stamp fraud or Medicaid fraud.

Issuing False Identity Cards or Devices Definition

SECTION 221. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-315 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crimes of misuse of or issuing false identity cards or devices, "medical information identifying device or card" means the written communication authorized by Section 2553 of Title 63 of the Oklahoma Statutes.

Misuse of Identity Cards or Devices

SECTION 222. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-316 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misuse of identity cards or devices occurs when a person:

1. Possesses the actor's driver's license knowing that it has been suspended, revoked, or cancelled;

2. Possesses a driver's license or identification card issued to the actor which the actor knows has been altered;

3. Fails or refuses to surrender to the Department of Public Safety any license or identification card which has been suspended, revoked, or cancelled knowing that demand for its surrender has been made;

4. Knowingly permits any unlawful use of a driver's license or identification card issued to the actor;

5. Wears, possesses or uses, with the intent to deceive, a false medical information identifying device or card;

6. Applies for a renewal or duplicate license to operate a motor vehicle knowing that the actor's license, permit or other

evidence of driving privilege has been surrendered to or taken by a law enforcement official or the Department of Public Safety; or

7. Displays or represents as belonging to the actor any license or identification card not issued to the actor with the intent to mislead a law enforcement officer in the performance of official duties.

B. Aggravated misuse of identity cards or devices occurs when a person:

1. Knowingly possesses any counterfeit or forged driver's license or identification card;

2. Knowingly possesses an otherwise genuine driver's license or identification card bearing a fictitious name or photograph;

3. Displays or represents as belonging to the actor any license or identification card not issued to the actor with the intent to commit fraud in a commercial transaction; or

4. Knowingly uses a false or fictitious name, makes a false statement, conceals a material fact, or otherwise commits a fraud in any application for a license or identification card.

C. Misuse of identity cards or devices is a Class \_\_ misdemeanor. Aggravated misuse of identity cards or devices is a Class \_\_ felony.

#### Issuing False Identity Cards or Devices

SECTION 223. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-317 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Issuing false identity cards or devices occurs when a person, with the intent to deceive, provides a false medical information identifying device or card for use by another person.

B. Aggravated issuing false identity cards or devices occurs when a person authorized to issue licenses or identification cards issues a license or identification card:

1. To a person whom the actor knows is not entitled to the license or card;

2. Knowing that it contains false information; or

3. Knowing that it bears the photograph of a person other than the person named on the license or card.

C. Issuing false identity cards or devices is a Class \_\_ misdemeanor. Aggravated issuing false identity cards or devices is a Class \_\_ felony.

#### Fraudulent Lobbying Definition

SECTION 224. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-318 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of fraudulent lobbying, "lobbyist" means a person who is required to be registered as a lobbyist under Section 4227 et seq. of Title 74 of the Oklahoma Statutes.

#### Fraudulent Lobbying

SECTION 225. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-319 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Fraudulent lobbying occurs when a lobbyist in the course of lobbying activities:

1. Knowingly makes any false statement or misrepresentation of the facts to a member of the legislative, executive or judicial branch of the government; or

2. Causes a copy of a document known by the lobbyist to contain a false statement to be received by a member of the legislative, judicial or executive branch of the government without notifying such person in writing of the truth.

B. Fraudulent lobbying is a Class \_\_ misdemeanor. In addition, any person who is convicted of a third violation of this section shall be prohibited from engaging in lobbying activities for a period of five (5) years.



C. It is intended that this crime not be applicable if unsworn falsification is present.

#### Contempt Definitions

SECTION 226. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-320 of Title 21, unless there is created a duplication in numbering, reads as follows:

In contempt crimes:

1. "Administrative proceeding" means the process employed by an agency of this state for the formulation of a rule or of an order. Agency has the same meaning as it has in the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes;

2. "Contemptuous" means any behavior which tends to undermine the authority or the dignity of a legislative, judicial, or administrative proceeding. It includes insulting language or conduct as well as any disregard or challenge to the judge's authority to regulate conduct in the courtroom or the presiding officer's authority to regulate conduct in a legislative or administrative proceeding; and

3. "Legislative proceeding" means a proceeding of either house of the Legislature or of any legislative committee authorized to summon or subpoena witnesses.

#### Direct Criminal Contempt

SECTION 227. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-321 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Direct criminal contempt occurs when a person, after being warned by the appropriate authority:

1. Unlawfully refuses to be sworn as a witness in any legislative, judicial, or administrative proceeding, or unlawfully refuses to answer any question as a witness in any such proceeding; or

2. Knowingly engages in contemptuous or obstructive behavior in a legislative, judicial, or administrative proceeding.

B. Direct criminal contempt is a Class \_\_ misdemeanor.

C. Prosecution under this section shall be referred to the appropriate district attorney.

D. This section making direct contempt a misdemeanor is not exclusive and does not deprive the court of the authority to find a person liable for direct contempt of court as provided in the Code of Civil Procedure, Section 1 et seq. of Title 12 of the Oklahoma Statutes.

Indirect Legislative or Administrative Criminal Contempt

SECTION 228. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-322 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Indirect legislative or administrative criminal contempt occurs when a person knowingly disobeys:

1. Any lawful summons or subpoena issued by the Legislature or by any legislative committee authorized to issue such process; or

2. Any lawful order, summons or subpoena issued by any executive officer or administrative agency authorized by law to issue such process.

B. Indirect legislative or administrative criminal contempt is a Class \_\_ misdemeanor.

C. No person shall be prosecuted for indirect contempt of the Legislature or an administrative proceeding, unless the person has first received, personally or by certified mail, a warning that if the actor fails to promptly comply with or cease the behavior constituting indirect contempt, the matter shall be referred to the appropriate district attorney for prosecution.

Part 4. Crimes Against Certain Authority

Violation of a Protective Order Definition

SECTION 229. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-400 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of violation of a protective order, "ex parte or final protective order" means an order issued pursuant to the Protection from Domestic Abuse Act, Section 60 et seq. of Title 22 of the Oklahoma Statutes.

Violation of a Protective Order

SECTION 230. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-401 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Violation of a protective order occurs when a person who has been served with an ex parte or final protective order knowingly violates that order.

B. Violation of a protective order is a Class \_\_ misdemeanor. A second or subsequent violation of this section is a Class \_\_ misdemeanor. The minimum sentence of imprisonment for a violation of this section shall not be subject to statutory provisions for suspended sentences, deferred judgments, or probation.

Impersonation of a Public Servant Definition

SECTION 231. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-402 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of impersonation of a public servant, "falsely poses" means to misrepresent oneself in any manner as a public servant, including wearing or displaying without authority any uniform, badge, insignia, identification card, or any other token by which a public servant is distinguished.

Impersonation of a Public Servant

SECTION 232. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-403 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Impersonation of a public servant occurs when a person falsely poses as a public servant with the intent to induce another person to submit to such pretended official authority or otherwise to act in reliance on such pretense and:

1. The actor performs any act in the pretended capacity; or
2. Another person acts in reliance upon such pretense.

B. Aggravated impersonation of a public servant occurs when all of the elements of impersonation of a public servant are present and, in addition, the person falsely poses as a:

1. Law enforcement officer; or
2. A voter registrar and causes a qualified elector to be invalidly registered.

C. Impersonation of a public servant is a Class \_\_\_\_ misdemeanor. Aggravated impersonation of a public servant is a Class \_\_\_\_ felony.

#### Interference with a Public Servant

SECTION 233. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-404 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Interference with a public servant occurs when a person knowingly engages in any act of obstruction with the intent to hinder, delay, impair, pervert, or prevent the performance of a governmental function by a public servant acting under color of official authority.

B. Interference with a public servant is a Class \_\_\_\_ misdemeanor.

C. It is intended that this crime not apply if assault or battery is a proper charge.

#### Destruction of or Failure to Maintain Records

SECTION 234. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-405 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Destruction of or failure to maintain records occurs when a person, knowing that the actor is required by any law of the State of Oklahoma to keep records:

1. Knowingly destroys any such records; or
2. Fails to maintain any such records for the time and in the manner required by the relevant law.

B. Failure to maintain records is a Class \_\_ misdemeanor.

#### Part 5. Gambling

##### Horse Racing Definitions

SECTION 235. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-500 of Title 21, unless there is created a duplication in numbering, reads as follows:

In horse racing and related crimes:

1. "Organization licensee" means a person who holds an organization license under the Oklahoma Horse Racing Act, Section 200 et seq. of Title 3A of the Oklahoma Statutes;
2. "Racetrack enclosure" means all areas of the property of an organization licensee to which admission can be obtained only by payment of an admission fee or upon presentation of proper credentials, and all parking areas designed to serve the facility which are owned or leased by the organization licensee;
3. "True name" means the name under which a horse has been registered and has publicly performed; and
4. "Wagering business" means placing or collecting bets for four or more people in a total amount exceeding One Thousand Dollars (\$1,000.00) on any racing day.

##### Conducting an Unlawful Horse Race

SECTION 236. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-501 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Conducting an unlawful horse race occurs when a person holds a horse race or horse race meeting at which pari-mutuel wagering is

transacted and the actor knows that a valid organization license issued pursuant to the Oklahoma Horse Racing Act, Section 200.1 et seq. of Title 3A of the Oklahoma Statutes, does not exist for the actor.

B. Conducting an unlawful horse race is a Class \_\_ felony.

Entering a Racehorse Under False Name or Class

SECTION 237. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-502 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Entering a racehorse under a false name or out of its class occurs when a person knowingly enters a horse in a race held by an organization licensee under any name other than its true name or out of its proper class.

B. Entering a horse under a false name or out of its class is a Class \_\_ felony.

Receiving Compensation for Wagering

SECTION 238. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-503 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Receiving compensation for wagering occurs when a person knowingly and as part of a wagering business accepts any compensation from another person in exchange for the actor placing or collecting a wager for another person in a pari-mutuel system of wagering on horse races or in any other legal gambling activity.

B. Receiving compensation for wagering is a Class \_\_ felony.

Tampering with a Racehorse

SECTION 239. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-504 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tampering with a racehorse occurs when a person:

1. Knowingly administers to a horse prior to or during a horse race any drug not authorized for use in the race by the Oklahoma Horse Racing Commission;

2. Enters in a race any horse known to have been administered any drug not authorized for use in the race by the Oklahoma Horse Racing Commission;

3. Knowingly uses on a racehorse, or possesses on any racetrack enclosure with the intent to use on a racehorse, any device other than an ordinary whip to stimulate or depress a horse or affect its speed; or

4. Knowingly sponges the nostrils or windpipe of a horse immediately prior to or during a race with the intent to stimulate or depress the horse or affect its speed.

B. Tampering with a racehorse is a Class \_\_ felony.

#### Unlawful Gambling Definitions

SECTION 240. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-505 of Title 21, unless there is created a duplication in numbering, reads as follows:

In unlawful gambling crimes:

1. "Advances unlawful gambling" means engaging, other than as a player, in conduct that materially aids any form of unlawful gambling activity, including conduct directed toward:

- a. the creation or establishment of a particular game, lottery, contest, scheme, device, or activity,
- b. the acquisition or maintenance of any unlawful gambling premises, or unlawful gambling device,
- c. the solicitation or inducement of persons to participate in gambling,
- d. the actual conduct of the playing phases of gambling,
- e. the arrangement or communication of the financial or recording phases of gambling, or
- f. engaging in bookmaking;

2. "Bookmaking" means accepting, recording, or forwarding bets as a business;

3. "Charity game" means a Bingo game, U-Pik-Em Bingo game, or breakopen ticket game conducted by an organization pursuant to the provisions of the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes;

4. "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant may also be a factor therein;

5. "Futures contract" means a contract of sale for the future delivery of cotton, grain, stocks, or other commodities, which is to be settled according to or upon the basis of the public market quotations or prices made on any board of trade, exchange or similar institution upon which contracts of sale for future delivery are executed and dealt in;

6. "Gambling" or "bet" means staking or risking something of value upon the outcome of a contest of chance or of a future contingent event not under the person's control or influence, upon an agreement or understanding that the person will receive something of value in the event of a certain outcome. It does not include:

a. bona fide business transactions valid under the law of contracts, including:

(1) contracts for the purchase or sale at a future date of securities or commodities, or

(2) agreements to compensate for loss caused by the happening of chance such as contracts of indemnity or guaranty and life, health or accident insurance, or

b. playing an amusement device that confers only an immediate right of replay not exchangeable for something of value,



- c. social games, or
- d. entry fees to participate, and offers of purses, prizes, or premiums to the actual participants, in public and semi-public events such as rodeos, animal shows, expositions, fairs, athletic events, tournaments and other shows and contests where the participants qualify for a monetary prize or other recognition;

7. "Invalid futures contract" means a futures contract which is made without any actual bona fide execution and which will not be carried out or discharged upon the floor of, and in accordance with the rules of, a board of trade, exchange, or similar institution upon which futures contracts are executed and dealt in;

8. "Lottery" means an unlawful gambling scheme in which for a consideration, participants are given an opportunity to win something of value, the award of which is determined by lot or chance. A selling plan shall be treated as a form of lottery. Lottery shall not include a raffle conducted by a nonprofit organization which is in compliance with Section 501(c)(3) of the Internal Revenue Code or an educational institution accredited by the State of Oklahoma;

9. "Oklahoma Charity Games Act" means the Oklahoma Charity Games Act as provided in Section 401 et seq. of Title 3A of the Oklahoma Statutes;

10. "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit from the gambling activity other than personal gambling winnings, and without providing any material assistance to the establishment, conduct or operation of the particular gambling activity. It is not providing material assistance for a person who gambles at a social game on equal terms

with the other participants to arrange or facilitate the game without compensation. A bookmaker is not a player;

11. "Professional player" means a person who derives a substantial portion of his income in any one year from unlawful gambling;

12. "Profits" in relation to gambling means accepting or receiving, other than as a player, money or other property pursuant to an agreement or understanding with any person that one shall participate in the proceeds of a gambling activity;

13. "Punch board" means any card or other object upon or in which is placed or concealed any character or other symbol which may be drawn, exposed, uncovered, or removed, by the playing of which a person who pays something of value becomes entitled to a chance to win or lose something of value. It does not include a breakopen ticket card as defined in the Oklahoma Charity Games Act;

14. "Selling plan" means any plan by which goods or any thing of value is sold to a person for a consideration, part of which is that the purchaser agrees to secure one or more persons to participate in the plan by making a similar purchase or purchases and in turn agreeing to secure one or more additional persons to join in the plan, each purchaser having the right to secure something of value, depending upon the number of persons joining in the plan;

15. "Slot machine" means a machine, instrument, mechanism, or device that operates or that may be operated or played by paying to a person or depositing in any place something of value and by the playing or operation of which the person may win or lose something of value, whether through skill, chance, or both;

16. "Social game" means gambling in a home where no house player, house bank, or house odds exist and where there is no house income from the operation of the game;

17. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating the transfer of money or property or of any interest therein except for transportation or mailing expenses;

18. "Unlawful gambling device" means any machine, equipment, card, punch board, slot machine, or other object used, or designed primarily, for gambling purposes. It does not include a gambling record used in the playing phases of lotteries; and

19. "Unlawful gambling premises" means any building, room, enclosure, vehicle, vessel, or other similar place used to conduct unlawful gambling activities such as making and settling bets, receiving, holding, recording or forwarding bets or offers to bet, conducting lotteries, or playing gambling devices.

#### Unlawful Gambling

SECTION 241. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-506 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful gambling occurs when a person engages as a player in a gambling activity which the actor knows or should know is unlawful gambling.

B. Aggravated unlawful gambling occurs when all of the elements of unlawful gambling are present and, in addition, the person is a professional player or engages in unlawful gambling with a person whom the actor knows or should know is a child.

C. Unlawful gambling is a Class \_\_ misdemeanor. Aggravated unlawful gambling is a Class \_\_ felony.

#### Promoting Unlawful Gambling

SECTION 242. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-507 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting unlawful gambling occurs when a person who is otherwise qualified to conduct a charity game under the Oklahoma Charity Games Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes, knowingly conducts a charity game without a license, with an expired license, or without having first obtained an appropriate exemption.

B. Aggravated promoting unlawful gambling occurs when a person knowingly advances or profits from unlawful gambling.

C. Promoting unlawful gambling is a Class \_\_\_\_ felony.  
Aggravated promoting unlawful gambling is a Class \_\_\_\_ felony.

#### Possession of Gambling Records

SECTION 243. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-508 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possession of gambling records occurs when a person other than a player possesses, with the intent to use it for unlawful gambling purposes, any writing, paper, instrument, or article of a kind commonly used in the operation or promotion of bookmaking or in the operation, promotion, or playing of a lottery.

B. Possession of gambling records is a Class \_\_\_\_ felony.

#### Trafficking in Gambling Devices

SECTION 244. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-509 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in gambling devices occurs when a person knowingly manufactures, sells, leases, transports, places, possesses, or conducts a transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that the device is to be used in promoting unlawful gambling.

B. Trafficking in gambling devices is a Class \_\_\_\_ felony.

#### Permitting Unlawful Gambling

SECTION 245. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-510 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Permitting unlawful gambling occurs when a person leases or otherwise allows premises owned or possessed by that person, alone or in association with others, knowing that the place will be used as an unlawful gambling premises.

B. Permitting unlawful gambling is a Class \_\_ misdemeanor.

#### Facilitating Unlawful Gambling

SECTION 246. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-511 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Facilitating unlawful gambling occurs when a person installs communications facilities in a place which the person knows is an unlawful gambling premises.

B. Facilitating unlawful gambling is a Class \_\_ misdemeanor.

#### Gambling by Means of a Futures Contract

SECTION 247. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-512 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Gambling by means of a futures contract occurs when a person knowingly enters into an invalid futures contract.

B. Gambling by means of a futures contract also occurs when a person knowingly maintains or operates a place of business where invalid futures contracts are made.

C. Gambling by means of a futures contract is a Class \_\_\_\_ felony. In addition, any corporation convicted of violating this section shall be subject to forfeiture of its corporate charter.

### Part 6. Fraud Crimes

#### Fraud Crimes Definitions

SECTION 248. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-600 of Title 21, unless there is created a duplication in numbering, reads as follows:

In fraud crimes:

1. "Adulterated" means failing to meet the standard of composition or quality prescribed by statute or regulation, or set by established commercial usage;

2. "Food or food products" means substances that are taken into the human body for nourishment. The term does not include alcoholic beverages, tobacco or beer containing not more than three and two-tenths percent (3.2%) of alcohol by weight;

3. "Health care profession" means any occupation which consists of the diagnosis, cure, or treatment of physical disease or injury or mental illness or conditions, as well as any support personnel requiring licensure who offer direct patient care. It includes the practice of veterinary medicine;

4. "License" means any manner of registration with a governmental agency which results in the issuance of a license, permit, or other similar grant to practice a profession or engage in an occupation. In addition, with respect to hazardous waste, license means a registration, manifest or disposal plan pursuant to the Oklahoma Solid Waste Management Act, Section 1-2300 et seq. of Title 63 of the Oklahoma Statutes, the Oklahoma Controlled Industrial Waste Disposal Act, Section 1-2001 et seq. of Title 63 of the Oklahoma Statutes, or the provisions of Sections 177.2, and 177.3 of Title 47 of the Oklahoma Statutes, or a permit or authorization from the State Department of Health, the Oklahoma Corporation Commission, or the Oklahoma Water Resources Board.

5. "Mislabeled" means failing to meet the standard of truth or disclosure in labeling prescribed by statute or regulation or set by established commercial usage;

6. "Misrepresentation" means a false representation of a past or present fact or an omission to provide a past or present fact which the actor had a duty to provide;

7. "Mortgaged property" means any property which is the subject matter of a security interest intended to secure the performance of some act, such as the payment of money. It includes a security agreement and a conditional sales contract as well as a mortgage of real property;

8. "Pollution control monitoring" means the observation required by the Oklahoma Pollutant Discharge Elimination System Act, Section 2-6-201 et seq. of Title 27A of the Oklahoma Statutes;

9. "Practices" means to represent oneself to be a practitioner of an occupation or profession and:

- a. to perform any act in that capacity, or
- b. to cause another person to act in reliance upon that representation.

"Practices" does not include any act performed by a student enrolled in an accredited school offering training in a health care profession who is under the supervision of an instructor and is performing activities required as part of the student's training;

10. "Profession" means an occupation for which advanced education or training is required and for the practice of which intellectual skills are employed, such as medicine, law, dentistry, theology, engineering, or teaching;

11. "Unlawfully" means, for purposes of food stamp fraud, being in violation of any provision of Title 56 of the Oklahoma Statutes;

12. "Weight or measure" has the same meaning as it has in paragraph 1 of subsection a of Section 5-61a of Title 2 of the Oklahoma Statutes; and

13. "Without a license" means never having obtained a license, or having once obtained a license, the license has been recalled, revoked, cancelled, or suspended. It also means a license which is

expired if the person would not have been eligible for a renewal license upon timely application for such renewal and a license obtained through a material misrepresentation.

#### Commercial Fraud

SECTION 249. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-601 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Commercial fraud occurs when a person, in the course of business, knowingly:

1. Possesses for use a false weight or measure or any other device for falsely determining or recording any quantity or quality;

2. Offers or exposes for sale, or delivers less than the represented quantity of commodities or services or other than the represented kind or variety of a commodity;

3. Offers or exposes for sale as an auctioneer any damaged property representing that such property is sound;

4. Removes any tag, seal, mark or certificate placed pursuant to statute, or required to be placed by statute, on any property without the prior written authorization of the proper authority;

5. Uses without authorization from the proper authority any official device, mark, or certificate, or any simulation thereof;

6. Fails to use, detach, alter the appearance of, or destroy any official device, mark, or certificate when the actor knows such conduct is required by regulations of the State Board of Agriculture;

7. Sells, transports, offers for sale or transportation, or receives for transportation, in intrastate commerce, any commodity which the actor knows is required to be inspected under any provision of Title 2 of the Oklahoma Statutes and which the actor knows has not been so inspected and passed;

8. Does with respect to any agricultural product capable of use as human food any act during transportation of such product in



intrastate commerce or while such product is being held for sale, with the intent to cause, or which has the effect of causing, such product to be adulterated or mislabeled;

9. Offers or exposes for sale, or transports any adulterated or mislabeled commodity;

10. Makes a false, misleading, or deceptive statement of fact in any advertisement addressed to the public or to a substantial segment thereof for the purpose of selling, promoting or increasing the sale of property or services; or

11. Fails to comply with a stop-sale order issued by the Department of Agriculture.

B. Commercial fraud is a Class \_\_\_\_ misdemeanor.

#### Food Stamp Fraud

SECTION 250. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-602 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Food stamp fraud occurs when a person knowingly:

1. Unlawfully acquires, possesses, uses, or transfers food stamps or coupons; or

2. Acquires or transfers food stamps or coupons in exchange for something other than food or food products for human consumption.

B. Aggravated food stamp fraud occurs when all of the elements of food stamp fraud are present and, in addition, the aggregate amount of food stamps or coupons obtained or transferred exceeds Two Hundred Fifty Dollars (\$250.00).

C. Food stamp fraud is a Class \_\_\_\_ misdemeanor. Aggravated food stamp fraud is a Class \_\_\_\_ felony.

D. It is intended that this section shall not apply if theft is present.

#### General Fraud

SECTION 251. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-603 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. General fraud occurs when a person knowingly makes a material misrepresentation to another person which:

1. Causes that person to suffer financial loss;
2. Is made with the intent to violate a state statute; or
3. Is made with the intent to avoid compliance with any rule of a state agency.

B. Aggravated general fraud occurs when a person makes a material misrepresentation to another person which causes that person to suffer a financial loss exceeding Two Thousand Dollars (\$2,000.00).

C. General fraud is a Class \_\_\_\_ misdemeanor.

D. It is intended that this crime not be applicable if false swearing, perjury, theft, or unsworn falsification is present. This crime is inapplicable to any misrepresentation made by a party in the course of litigation, which is covered by either perjury or unsworn falsification.

#### Licensure Fraud

SECTION 252. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-604 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Licensure fraud occurs when a person who is engaged in an occupation or profession for which a license is required by state law knowingly practices that occupation or profession without a license.

B. Licensure fraud also occurs when a person who has a license required by state law in order to engage in an occupation or profession knowingly:

1. Practices that occupation or profession by engaging in acts which are beyond the scope of the occupational or professional license held by such person; or

2. Impersonates another licensee.

C. Aggravated licensure fraud occurs when all of the elements of licensure fraud as defined in either subsection A or B of this section are present and, in addition, the person:

1. Engages in any health care profession or the practice of law;

2. Engages in the production of alcohol for use as a motor fuel;

3. Is a distiller;

4. Receives, stores, treats, processes, recycles, or disposes of waste knowing that it is hazardous waste;

5. Transports or causes the transportation of waste within the State of Oklahoma knowing that it is hazardous waste;

6. Operates a crematory; or

7. Operates a public warehouse.

D. Licensure fraud is a Class \_\_\_\_ misdemeanor. Aggravated licensure fraud is a Class \_\_\_\_ felony.

#### Licensure Fraud by Use of an Expired License

SECTION 253. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-605 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Licensure fraud by use of an expired license occurs when a person continues to practice an occupation or profession after the person's license to practice that occupation or profession has expired. The person must meet all of the requirements for obtaining a renewal license, but fail to timely obtain that license. The person must know or should know that the license has expired.

B. Licensure fraud by use of an expired license is a Class \_\_\_\_ misdemeanor.

### Licensure Fraud Through Refusal to Surrender a License

SECTION 254. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-606 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Licensure fraud through refusal to surrender a license occurs when a person who has a license to practice an occupation or profession refuses to surrender that license knowing that it has been revoked or suspended and having received notice that surrender is required.

B. Licensure fraud through refusal to surrender a license is a Class \_\_\_\_ misdemeanor.

### Medicaid Fraud

SECTION 255. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-610 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Medicaid fraud occurs when a person with respect to the Oklahoma Medicaid Program:

1. Knowingly makes a false or misleading statement or representation for use in obtaining authorization to provide a good or a service;

2. Knowingly makes a false or misleading statement or representation for use in qualifying as a provider of a good or service;

3. Charges any recipient or person acting on behalf of a recipient, money or other consideration which the actor knows is in excess of or in addition to rates of remuneration established under the Oklahoma Medicaid Program; or

4. Knowingly solicits or accepts any benefit in connection with goods or services paid or claimed by a provider to be payable by the Oklahoma Medicaid Program.

B. Aggravated Medicaid fraud occurs when all of the elements of Medicaid fraud are present and, in addition, the total amount of all

payments fraudulently claimed or received exceeds Two Thousand Dollars (\$2,000.00).

C. Medicaid fraud is a Class \_\_\_\_ misdemeanor. Aggravated Medicaid fraud is a Class \_\_\_\_ felony.

D. It is intended that this crime not be applicable if theft is present.

#### Monitoring Device Fraud

SECTION 256. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-611 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Monitoring device fraud occurs when a person knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to the laws of the State of Oklahoma.

B. Aggravated monitoring device fraud occurs when all of the elements of monitoring device fraud are present and, in addition, the device or method is required to be maintained for pollution control monitoring.

C. Monitoring device fraud is a Class \_\_\_\_ misdemeanor. Aggravated monitoring device fraud is a Class \_\_\_\_ felony.

#### Mortgaged Property Fraud

SECTION 257. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-612 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Mortgaged property fraud occurs when a mortgagor:

1. Without the written consent of the mortgagee, sells, conceals, disposes of, moves, materially damages, or destroys all or any part of property which is subject to a mortgage, with the intent to defraud the mortgagee; or

2. Who has sold any mortgaged property with the consent of the mortgagee, uses all or any part of the proceeds of such sale with

the intent to permanently deprive the mortgagee of the proceeds to the extent of the unpaid debt.

B. Fraud involving mortgaged property is a Class \_\_\_ felony.

#### Warehouse Fraud

SECTION 258. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-613 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Warehouse fraud occurs when a warehouse owner, or an employee or manager of a public warehouse:

1. Issues any warehouse receipt for any commodities knowing that such commodities are not actually in a warehouse at the time of the issuance of such receipt;

2. Issues any warehouse receipt, including a scale ticket, knowing that it is in any respect fraudulent as to its date or the quantity, quality or inspected grade of such commodities;

3. Removes any commodities from a warehouse knowing that any outstanding receipt which may have been issued to represent such commodities has not been returned and cancelled;

4. Delivers any commodities from a public warehouse knowing that the receipt for the commodities has not been surrendered and cancelled; or

5. Fails to mark a receipt "Cancelled" upon the delivery of any commodities with the intent to defraud.

B. Warehouse fraud is a Class \_\_\_ felony.

C. Paragraph 3 of subsection A of this section shall not apply when the removal is done to preserve the commodities from damage or for other reasonable cause.

#### Issuing a False Farm Product Certificate Definition

SECTION 259. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-620 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of issuing a false farm product certificate, "farm product certificate" means the document required by Section 9-307 of Title 12A of the Oklahoma Statutes.

Issuing a False Farm Product Certificate

SECTION 260. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-621 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Issuing a false farm product certificate occurs when a person knowingly makes a false statement as to the identity of any lender on a farm product certificate.

B. Issuing a false farm product certificate is a Class \_\_\_\_ felony.

Using Bank Assets to Obtain Deposits

SECTION 261. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-622 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Using bank assets to obtain deposits occurs when a bank officer or director sells or transfers any of the assets of an insolvent bank in consideration of any deposit in that bank knowing that the bank is insolvent.

B. Using bank assets to obtain deposits is a Class \_\_\_\_ felony.

Misconduct Involving Manufactured Home Documentation

SECTION 262. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-623 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misconduct involving manufactured home documentation occurs when a person:

1. Removes a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title with the intent to defraud; or

2. Possesses any used manufactured home knowing that the registration fees or excise taxes have not been paid.

B. Aggravated misconduct involving manufactured home documentation occurs when a person knowingly:

1. Lends, sells, or permits any person not entitled thereto to use a certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal, or excise tax receipt with the intent to defraud another person; or

2. Purchases any identification, a manufactured home registration receipt, a manufactured home registration decal or an excise tax receipt on an assigned certificate of title with the intent to defraud another person.

C. Misconduct involving manufactured home documentation is a Class \_\_ misdemeanor. Aggravated misconduct involving manufactured home documentation is a Class \_\_ felony.

#### Securities Crimes Definitions

SECTION 263. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-630 of Title 21, unless there is created a duplication in numbering, reads as follows:

In securities crimes all words and terms used in the securities crimes which are defined in Title 71 of the Oklahoma Statutes retain the meaning each has in that title. If a word or a term is defined more than once in that title and the definitions are not identical, that definition applies which is contained in the act from which the crime in Title 21 of the Oklahoma Statutes is derived. Such words and terms include: administrator, advertise, advertisement, affiliate, agency of the government, agent, broker-dealer, business opportunity, deceit, defraud, financial institution, fraud, investment advisor, investment advisor representative, investment certificate, investment certificate issuer, issuer, offer, registered, registration, sale, and security. In addition:

1. "Adequate disclosure" means a clear, prominent and conspicuous statement:



- a. on the face of the first written communication acknowledging a sale by, or acceptance of a deposit of money in, a financial institution, or
- b. in any advertising by a financial institution offering any security issued by or representing an interest in that financial institution or offering to accept deposits of money in that financial institution;

2. "Disclosure document" means the written material required by the Oklahoma Business Opportunity Sales Act, Section 801 et seq. of Title 71 of the Oklahoma Statutes, for registration of a business opportunity conforming in both form and substance to the requirements of Section 808 of that act;

3. "Discriminates" means, for purposes of the crime of violating the Multinational Corporation Take-over Bid Act, committing any act described in Section 417 of Title 71 of the Oklahoma Statutes;

4. "False statement" means a statement, including a pictorial representation, which is, at the time and under the circumstances in which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statement made, in light of the circumstances under which it is made, not misleading;

5. "Fraudulent practice" means:

- a. any device, scheme, or artifice to defraud,
- b. any untrue statement of a material fact or omission to state a material fact necessary in order to make any statements made, in light of the circumstances under which they are made, not misleading, or
- c. any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

However, for purposes of investment advisory fraud, "fraudulent practice" means subparagraphs a and c of this paragraph only; the device, scheme, or artifice to defraud in subparagraph a of this paragraph and the fraud or deceit in subparagraph c of this paragraph must be upon the person from whom the investment advisor has received consideration for advice as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise;

6. "Required by law" means, for purposes of the crime of violating the Multinational Corporation Take-over Bid Act, in conformity with the provisions of Section 414 et seq. of Title 71 of the Oklahoma Statutes; and

7. "Sales literature" means a prospectus, pamphlet, circular, form letter, advertisement, or other similar material.

#### Securities Fraud

SECTION 264. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-631 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Securities fraud occurs when a person, in connection with the offer, sale, or purchase of any security, knowingly makes use of a fraudulent practice.

B. Securities fraud is a Class \_\_ felony.

#### Business Opportunity Sales Fraud

SECTION 265. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-632 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Business opportunity sales fraud occurs when a person, in connection with the offer or sale of any business opportunity in this state, knowingly makes use of a fraudulent practice.

B. Business opportunity sales fraud is a Class \_\_ felony.

#### Investment Advisory Fraud

SECTION 266. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-633 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Investment advisory fraud occurs when an investment advisor:

1. Knowingly makes use of a fraudulent practice;

2. Enters into, extends, or renews any investment advisory contract knowing it does not provide in writing that:

a. the investment advisor shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client,

b. no assignment of the contract may be made by the investment advisor without the consent of the other party to the contract, and

c. the investment advisor, if a partnership, shall notify the other party to the contract of any change in the membership of the partnership within a reasonable time after the change; or

3. Takes or has custody of any securities or funds of any client:

a. knowing that custody is prohibited by rule of the administrator, or

b. and the investment advisor knowingly fails to notify the administrator that the investment advisor has or may have custody of any securities or funds when no such rule prohibits such custody.

B. Investment advisory fraud is a Class \_\_\_ felony.

#### Subdivided Land Sales Fraud

SECTION 267. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-634 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Subdivided land sales fraud occurs when a subdivider, agent, or affiliate of either, in connection with the offer or disposition in this state of any subdivided land, knowingly makes use of a fraudulent practice.

B. Subdivided land sales fraud is a Class \_\_ felony.

Take-over Disclosure Fraud

SECTION 268. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-635 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Take-over disclosure fraud occurs when an offeror or target company or any controlling person of an offeror or target company or any broker-dealer acting on behalf of an offeror or target company, in connection with a take-over offer, knowingly publishes or uses a false statement.

B. Take-over disclosure fraud is a Class \_\_ felony.

Misleading Securities Advertising

SECTION 269. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-636 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misleading securities advertising occurs when a person publishes, circulates, or uses any advertising:

1. In connection with the offer or sale of any business opportunity in this state or in connection with the offer or disposition of subdivided land knowing that the advertising contains a false statement; or

2. In connection with the offer or disposition of subdivided land knowing that the advertising contains any:

- a. statement which differs materially from the information contained in a registration application or public offering statement prepared pursuant to the Oklahoma Subdivided Land Sales Code, or
- b. false statement.

B. Misleading securities advertising is a Class \_\_ felony.

Unlawful Transaction in the Securities of Financial Institutions

SECTION 270. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-637 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful transaction in the securities of financial institutions occurs when a financial institution which is not insured by an agency of the government, without adequate disclosure, knowingly:

1. Accepts deposits or advertises for deposits of money in that financial institution; or

2. Sells, offers to sell, advertises an offering for sale, or advertises the availability of a security which is issued by or represents an interest in that financial institution. The security must be other than the common or preferred stock of that financial institution.

B. Unlawful transactions in the securities of financial institutions is a Class \_\_ felony.

Failure to Register a Securities-Related Occupation

SECTION 271. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-638 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to register a securities-related occupation occurs when a person transacts business in this state as:

1. A broker-dealer or agent knowing that the actor is not registered under the Oklahoma Securities Act, Section 1 et seq. of Title 71 of the Oklahoma Statutes; or

2. An investment advisor or investment advisor representative knowing that the actor is not registered under the Oklahoma Securities Act.

B. Failure to register a securities-related occupation is a Class \_\_ felony.

C. Paragraph 2 of subsection A of this section is inapplicable to any person who is exempt from registration under Section 201 of Title 71 of the Oklahoma Statutes.

Employment of an Unregistered Securities Agent

SECTION 272. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-639 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Employment of an unregistered securities agent occurs when a broker-dealer or issuer employs a person as an agent knowing that the person is not registered as an agent under the Oklahoma Securities Act, Section 1 et seq. of Title 71 of the Oklahoma Statutes.

B. Employment of an unregistered securities agent is a Class \_\_ felony.

Offer or Sale of an Unregistered Security

SECTION 273. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-640 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Offer or sale of an unregistered security occurs when a person offers or sells any security in this state knowing that the security or transaction:

1. Is not registered; and
2. Is not exempt from registration under Section 401 of Title 71 of the Oklahoma Statutes.

B. Offer or sale of an unregistered security is a Class \_\_ felony.

Offer or Disposition of Unregistered Subdivided Land

SECTION 274. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-641 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Offer or disposition of unregistered subdivided land occurs when a person offers or disposes of any interest in subdivided land

located in this state or offers or disposes in this state of any subdivided land located outside of this state knowing that the subdivided land or transaction:

1. Is not registered; and

2. Is not exempt from registration under the Oklahoma Subdivided Land Sales Code, Section 622 or 623 of Title 71 of the Oklahoma Statutes.

B. Offer or disposition of unregistered subdivided land is a Class \_\_\_\_ felony.

#### Offer or Sale of an Unregistered Business Opportunity

SECTION 275. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-642 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Offer or sale of an unregistered business opportunity occurs when a person offers or sells any business opportunity in this state knowing that the business opportunity:

1. Is not registered; and

2. Is not exempt from registration under Section 803 of Title 71 of the Oklahoma Statutes.

B. Offer or sale of an unregistered business opportunity is a Class \_\_\_\_ felony.

#### Unlawful Issuance of an Investment Certificate

SECTION 276. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-643 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful issuance of an investment certificate occurs when an investment certificate issuer issues an investment certificate knowing that the issuer is insolvent.

B. Unlawful issuance of an investment certificate is a Class \_\_\_\_ felony.

#### Use of Unapproved Sales Literature

SECTION 277. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-644 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Use of unapproved sales literature occurs when a person:

1. In connection with the offer or sale of any security, uses any sales literature in any manner knowing that it:

a. has not been approved for use by the administrator,  
and

b. is not exempt; or

2. In connection with the offer or disposition of subdivided land which is required to be registered, uses any advertising knowing that it:

a. has not been filed with the administrator at least ten  
(10) days prior to its use,

b. has not received approval for its use from the  
administrator, and

c. is not exempt.

B. Use of unapproved sales literature is a Class \_\_\_\_ felony.

Misrepresenting the Administrator's Approval

SECTION 278. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-645 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misrepresenting the administrator's approval occurs when a person knowingly makes any representation to a purchaser, prospective purchaser, customer, or client that registration, exemption, or licensure, or an application for registration, exemption, or licensure, under the Oklahoma Securities Act, Section 1 et seq. of Title 71 of the Oklahoma Statutes, the Oklahoma Subdivided Land Sales Code, Section 601 et seq. of Title 71 of the Oklahoma Statutes, or the Oklahoma Business Opportunity Sales Act, Section 801 et seq. of Title 71 of the Oklahoma Statutes, means that the administrator has:



1. Found any document filed under any of those acts is true, complete, and not misleading; or

2. Passed upon the merits or qualifications of any person or has recommended or approved any security, transaction, subdivided land, the disposition of any subdivided land, or any business opportunity.

B. Misrepresenting the administrator's approval is a Class \_\_\_\_ felony.

Violating the Multinational Corporation Take-over Bid Act

SECTION 279. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-646 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Violating the Multinational Corporation Take-over Bid Act, Section 414 et seq. of Title 71 of the Oklahoma Statutes, occurs when a person:

1. Concludes a multinational take-over bid or pays for any securities pursuant thereto knowing that the procedures for such take-overs required by law have not been concluded; or

2. Knowingly discriminates in making a multinational take-over bid.

B. Violating the Multinational Corporation Take-over Bid Act is a Class \_\_\_\_ felony.

Failure to File and Provide Solicitation Materials

in a Take-over Bid

SECTION 280. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-647 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to file and provide solicitation materials in a take-over bid occurs when an offeror or a target company, soliciting or requesting the acceptance or rejection of a take-over offer, fails to:

1. File with the administrator copies of all advertisements, circulars, letters or other materials published by the offeror or target company when the actor knows or should know that such filing is required by law; and

2. Send copies to the target company or offeror, respectively, not later than the time copies of such materials are first published or used or sent to offerees when the actor knows or should know that such sending is required by law.

B. Failure to file and provide solicitation materials in a take-over bid is a Class \_\_\_\_ felony.

Improperly Advancing or Impeding a Take-over Offer

SECTION 281. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-648 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improperly advancing or impeding a take-over offer occurs when:

1. A controlling shareholder of a target company sells any or all of that shareholder's equity securities to the offeror knowing that the consideration is greater than that to be paid other shareholders pursuant to the take-over offer;

2. A target company unlawfully and knowingly refuses to permit an offeror who is a shareholder of record to examine and copy its list of shareholders for the purpose of making a take-over offer and also knowingly refuses to mail solicitation materials published by the offeror to the target company's security holders with reasonable promptness after receipt from the offeror of such materials together with the reasonable expenses of postage and handling;

3. Any person solicits an offeree to accept or reject a take-over offer or acquisition of any equity security pursuant to a take-over offer knowing that the take-over offer is:

a. not yet effective, or

b. suspended under the Oklahoma Take-over Bid Disclosure Act, Section 451 et seq. of Title 71 of the Oklahoma Statutes;

4. An offeror purchases any of the securities of a controlling shareholder of a target company for a consideration greater than that to be paid other shareholders, knowing that the terms of the purchase have not been disclosed to the other shareholders;

5. An offeror makes a take-over offer knowing that it is not made to shareholders in this state on substantially the same terms as the offer is made to shareholders outside of this state;

6. An offeror without authorization from the administrator knowingly omits in solicitation materials to state that any equity securities of a target company deposited or tendered pursuant to a take-over offer may be withdrawn by or on behalf of any offeree within seven (7) days and after sixty (60) days from the date the offer has become effective under the Oklahoma Take-over Bid Disclosure Act;

7. An offeror, disregarding fractions, knowingly fails to accept equity securities pro-rata according to the number of securities deposited or tendered by each offeree under the following circumstance: when the offeror makes a take-over offer for less than all the outstanding equity securities of any class, and the number of securities deposited or tendered pursuant thereto within ten (10) days after the offer has become effective and copies of the offer, or notice of any increase in the consideration offered are first published or sent or given to security holders is greater than the number the offeror has offered to accept and pay for;

8. An offeror knowingly avoids paying the increased consideration for all equity securities, whenever accepted, when the offeror increases the consideration offered to security holders before the expiration date of the offer;

9. An offeror makes a take-over offer or acquires any equity securities in this state pursuant to a take-over offer knowing that an injunction or cease and desist order is in effect against the offeror based upon a violation of the Oklahoma Take-over Bid Disclosure Act or the Oklahoma Securities Act, Section 1 et seq. of Title 71 of the Oklahoma Statutes; or

10. An offeror in any manner acquires, removes, or exercises control, over any target company assets located in this state pursuant to a take-over offer knowing that an injunction or cease and desist order is in effect against the offeror based upon a violation of the Oklahoma Take-over Bid Disclosure Act or the Oklahoma Securities Act.

B. Improperly advancing or impeding a take-over offer is a Class \_\_\_\_ felony.

Unlawful Disposal of Registered Subdivided Land

SECTION 282. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-649 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful disposal of registered subdivided land occurs when:

1. A subdivider or registrant or any affiliate or agent of a subdivider or registrant offers or disposes of any registered subdivided land knowing that:

- a. the subdivider or registrant is in violation of any provision of the Oklahoma Subdivided Land Sales Code, Section 601 et seq. of Title 71 of the Oklahoma Statutes, or
- b. the registration statement relating to the subdivided land, as of the date of such offer or disposition, contains any false statement; or

2. A person disposes of an interest in registered subdivided land without delivering a current public offering statement to the purchaser at the expense of the subdivider or the subdivider's agent

knowing that such delivery is required by law. The delivery must occur at least forty-eight (48) hours prior to any sale, contract to sell, or option to purchase and the purchaser must be permitted to retain the public offering statement.

B. Unlawful disposal of registered subdivided land is a Class \_\_\_\_ felony.

Failure to Deliver a Business Opportunity Disclosure Document

SECTION 283. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-650 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to deliver a business opportunity disclosure document occurs when a person offers or sells any business opportunity required to be registered under the Oklahoma Business Opportunity Sales Act, Section 801 et seq. of Title 71 of the Oklahoma Statutes, without having delivered a disclosure document to each purchaser, knowing that such delivery is required by law. The delivery must occur at least ten (10) business days prior to the execution of any contract imposing a legal obligation on the purchaser or the payment by a purchaser of any consideration in connection with the offer or sale of the business opportunity.

B. Failure to deliver a business opportunity disclosure document is a Class \_\_\_\_ felony.

Failure to Make or Deliver a Written Business

Opportunity Sales Contract

SECTION 284. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-651 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to make or deliver a written business opportunity sales contract occurs when a person knowingly offers or sells any business opportunity:

1. Without first reducing the terms of the sale to a writing conforming in form and substance to the requirements of the Oklahoma

Business Opportunity Sales Act, Section 809 of Title 71 of the Oklahoma Statutes; or

2. Without providing a copy of the contract to the purchaser at the time the purchaser signs the contract.

B. Failure to make or deliver a written business opportunity sales contract is a Class \_\_\_\_ felony.

Giving False Information to the Securities Administrator

SECTION 285. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-652 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Giving false information to the securities administrator occurs when a person knowingly makes a false statement in any document filed with the administrator pursuant to the Oklahoma Securities Act, Section 1 et seq. of Title 71 of the Oklahoma Statutes, the Oklahoma Subdivided Land Sales Code, Section 601 et seq. of Title 71 of the Oklahoma Statutes, or the Oklahoma Business Opportunity Sales Act, Section 801 et seq. of Title 71 of the Oklahoma Statutes, or in any proceeding conducted pursuant to any of those acts.

B. Giving false information to the securities administrator is a Class \_\_\_\_ felony.

Part 7. Tax Crimes

Tax Crimes Definitions

SECTION 286. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-700 of Title 21, unless there is created a duplication in numbering, reads as follows:

In tax crimes all words and terms used in tax crimes which are defined in Title 68 of the Oklahoma Statutes retain the meaning each has in that title. Such words and terms include: cigarette, tobacco products, and stamp. In addition:

1. "Controlled dangerous substance" means a drug, substance, or immediate precursor specified in Schedules I through V of the

Uniform Controlled Dangerous Substances Act, Sections 103 through 120 of this act and Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. "Dealer" means a person who in violation of the Uniform Controlled Dangerous Substances Act manufactures, distributes, produces, ships, transports, or imports into Oklahoma, or in any manner acquires or possesses more than forty-two and one-half (42 1/2) grams of marihuana, or seven (7) or more grams of any controlled dangerous substance other than marihuana, or ten (10) or more dosage units of any controlled dangerous substance other than marihuana which is not sold by weight. A quantity of a controlled dangerous substance is measured by the weight of the substance whether pure, impure, or dilute, or by dosage units when the controlled dangerous substance is not sold by weight, in the possession of the dealer. A quantity of a controlled dangerous substance is dilute if it consists of a detectable quantity of pure controlled dangerous substance and any excipients or fillers;

3. "Document or instrument" includes any report, return, statement, claim, invoice, application or other instrument;

4. "Previously used tax stamp" means a washed, restored or altered stamp which has been removed from the article to which it had been affixed; and

5. "Report" means any information in written form required or requested by the Oklahoma Tax Commission relating to a person's tax liability or liability for interest or penalty.

#### Falsifying Tax Records

SECTION 287. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-701 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Falsifying tax records occurs when a person knowingly makes a false entry or fails to make a required entry in any book, ledger, or account required to be kept by any Oklahoma state tax law.

B. Falsifying tax records is a Class \_\_ misdemeanor.

Failure to File a Tax Return or Report

SECTION 288. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-702 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to file a tax return or report occurs when a person knowingly fails or refuses to:

1. File any return or report required to be filed pursuant to the provisions of any state tax law; or

2. Furnish a supplemental return or other data required by the Oklahoma Tax Commission.

B. Failure to file a tax return or report is a Class \_\_\_\_ misdemeanor.

Misuse of a Fuel Tax Exemption

SECTION 289. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-703 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misuse of a fuel tax exemption occurs when a person who purchases fuel under an aircraft or agricultural invoice exemption knowingly uses such fuel for a nonexempt purpose.

B. Misuse of a fuel tax exemption is a Class \_\_\_\_ misdemeanor. In addition, the person shall forfeit such person's exemption permit for a period of at least one (1) year.

Tax Evasion

SECTION 290. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-704 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tax evasion occurs when a person:

1. Who is required to affix cigarette or documentary tax stamps to any property knowingly fails to do so;



2. Makes a false statement or does or refrains from doing any act with the intent to misrepresent the payment or duty to pay any tax due and payable to the state; or

3. Fails to pay any tax due and payable to the state with the intent to evade the payment of that tax.

B. Aggravated tax evasion occurs when:

1. All of the elements of tax evasion are present and, in addition, the amount of tax involved exceeds Two Thousand Dollars (\$2,000.00); or

2. A person knowingly possesses any counterfeit or previously used tax stamp with the intent that it be used to defeat or evade the payment of any tax.

C. Tax evasion is a Class \_\_\_\_ misdemeanor. A second or subsequent conviction for violating this section is a Class \_\_\_\_ felony. Aggravated tax evasion is a Class \_\_\_\_ felony.

#### Tobacco Stamp Tax Fraud

SECTION 291. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-705 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Tobacco stamp tax fraud occurs when a person who is not the ultimate consumer knowingly:

1. Sells or gives to another person any cigarette package on which the proper stamps are not affixed;

2. Sells cigarettes in quantities smaller than a package;

3. Cancels or mutilates any stamps affixed to a package of cigarettes;

4. Refuses to surrender to the Oklahoma Tax Commission upon demand any cigarettes held in violation of the cigarette stamp tax; or

5. Fails to deliver an invoice required by law to a purchaser of cigarettes.

B. Tobacco stamp tax fraud also occurs when a person:

1. Who is a distributor, wholesale dealer, retail dealer, or distributing agent sells any cigarettes upon which tax is required to be paid knowing that the actor does not have a valid license as required by law;

2. Who is required by law to post a license to sell cigarettes, or to store unstamped cigarettes in this state, or to deliver or distribute unstamped cigarettes in this state, knowingly fails to post such license conspicuously; or

3. At a tribally owned or licensed store, knowingly transports, receives, possesses, sells, distributes, or purchases for other than personal or family use a cigarette package or any tobacco product on which the proper stamps are not affixed.

C. Tobacco stamp tax fraud is a Class \_\_\_ misdemeanor. A second or subsequent conviction for violating subsection B of this section is a Class \_\_\_ felony.

#### Trafficking in Controlled Dangerous Substances Without Tax Stamps

SECTION 292. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-706 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in controlled dangerous substances without affixing tax stamps occurs when a dealer manufactures, distributes, produces, ships, transports, imports, or possesses any controlled dangerous substance and knowingly fails to affix the appropriate tax stamps.

B. Trafficking in controlled dangerous substances without affixing tax stamps is a Class \_\_\_ felony.

#### Part 8. Miscellaneous

#### Illegal Assignment of a Minority Contract Definition

SECTION 293. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-800 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of illegal assignment of a minority contract, "prior written approval of the State Purchasing Director" means approval given pursuant to Section 85.45g of Title 74 of the Oklahoma Statutes.

#### Illegal Assignment of a Minority Contract

SECTION 294. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-801 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Illegal assignment of a minority contract occurs when a person assigns any contract awarded pursuant to the Oklahoma Minority Business Enterprise Assistance Act, Section 85.45 of Title 74 of the Oklahoma Statutes, to any other business enterprise knowing that prior written approval of the State Purchasing Director has not been obtained.

B. Illegal assignment of a minority contract is a Class \_\_\_\_ felony.

#### Restraint of Trade

SECTION 295. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-802 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Restraint of trade occurs when a person enters into any contract, agreement, or combination in the form of trust or otherwise, with the intent to restrain or monopolize trade or commerce.

B. Restraint of trade is a Class \_\_\_\_ felony.

#### Unfair Commercial Discrimination

SECTION 296. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-803 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unfair commercial discrimination occurs when a person engaged in the production, manufacture or distribution of any commodity sells that commodity at a lower rate in one section,

community, or city of this state, or any portion thereof, knowing that such person charges a higher rate for that commodity in another section, community or city when the lower rate is not justified by differences in costs of production, manufacture, or distribution.

B. Unfair commercial discrimination is a Class \_\_\_\_ misdemeanor.

Communications Security Crimes Definitions

SECTION 297. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-804 of Title 21, unless there is created a duplication in numbering, reads as follows:

In communications security crimes:

1. "As provided by law" means, for purposes of unlawful handling of communication tracking devices, pursuant to Section 177.4 of Title 13 of the Oklahoma Statutes;

2. "Aural acquisition" means obtaining knowledge of a communication through the sense of hearing which is contemporaneous with the communication;

3. "Communication facility" means any public or private instrumentality used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communications;

4. "Contents" means that which is contained in an electronic, oral, or wire communication and any information concerning the substance, purport or meaning of that communication;

5. "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, but does not include:

- a. the radio portion of a cordless telephone communication that is transmitted between the cordless telephone headset and the base unit,
- b. any wire or oral communication,

c. any communication made through a tone-only paging device, or

d. any communication from a tracking device;

6. "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than:

a. any telephone or telegraph instrument, equipment or facility or any component thereof furnished to the subscriber or user by a communication common carrier or other lawful supplier in the ordinary course of its business, or being used by a communication common carrier in the ordinary course of business or being used by a law enforcement officer in the ordinary course of the officer's duties, or

b. a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

7. "Intercept" means the aural acquisition of the contents of any wire, oral or electronic communication through the use of any electronic, mechanical or other device;

8. "Nonexempt person" means any person not specifically exempted from the requirement of obtaining a court order to install or use a pen register or trap and trace device by Section 177.2 of Title 13 of the Oklahoma Statutes;

9. "Oral communication" means any communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

10. "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service

for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

11. "Trap and trace device" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted, but does not include devices used by subscribers to identify the originating numbers of calls received by such subscriber; and

12. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a communication common carrier in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications.

#### Breach of Communications Security

SECTION 298. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-805 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Breach of communications security occurs when a person:

1. Knowingly and unlawfully intercepts any electronic, oral, or wire communication;

2. Knowingly and unlawfully uses any electronic, mechanical, or other device to intercept any oral communication;

3. Uses or discloses to any other person the contents of any electronic, oral, or wire communication, knowing that the information was intercepted unlawfully;

4. Uses any communication facility in committing murder or trafficking or aggravated trafficking in controlled dangerous substances.

B. Breach of communications security is a Class \_\_\_\_ felony.

#### Trafficking in Surveillance Devices

SECTION 299. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-806 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in surveillance devices occurs when a person manufactures, assembles, possesses, sells, mails or otherwise sends any electronic, mechanical or other device with the intent to make the device primarily useful for the unlawful interception of electronic, oral, or wire communications.

B. Trafficking in surveillance devices is a Class \_\_\_\_ felony.

#### Unlawful Handling of Communication Tracking Devices

SECTION 300. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-807 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unlawful handling of communication tracking devices occurs when a nonexempt person knowingly installs or uses a pen register or trap and trace device without obtaining a court order as provided by law.

B. Unlawful handling of tracking devices is a Class \_\_\_\_ misdemeanor.

### ARTICLE VIII

#### CRIMES AGAINST PUBLIC DECENCY

##### Part 1. General

#### Bigamy

SECTION 301. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bigamy occurs when:

1. A married person enters into an apparent marriage with another person and the married person knows himself or herself to be ineligible to remarry; or

2. A person knowingly enters into two or more marriages with other persons simultaneously.

B. Bigamy is a Class \_\_ misdemeanor.

## Part 2. Obscenity

### Obscenity and Pornography Definitions

SECTION 302. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

In obscenity and pornography crimes:

1. "Child pornography" means any material or performance depicting a child engaging in or observing sexual activity. For material to constitute child pornography, it must be the visual reproduction of a live event;

2. "Distribute" means to sell, deliver, circulate, disseminate, rent, publish, issue, exhibit, advertise, or otherwise make available or promote for pecuniary gain. It includes financing any distribution activity, transportation incident to distribution, and distribution by means of the mail or other delivery service;

3. "Furnish" means to give, loan, show, or otherwise make available without consideration;

4. "Manufacture" means to create, make, compose, draw, write, film, photograph, videotape, print, develop, transmute, reproduce, or otherwise prepare;

5. "Material" means anything which is or which may be used as a medium of communication between persons, including anything written or printed, any picture, drawing, photograph, motion picture film, videotape, video game, or other pictorial representation, any statue or other figure, any sound recording or transcription, or any mechanical, chemical, or electrical reproduction. Material includes



undeveloped photographs, molds, printing plates and other latent representational objects;

6. "Morbidly violent" means a videotape to which the following apply:

- a. the average person, applying contemporary standards of the county in which the offense allegedly occurred, would find that the videotape, taken as a whole, tends to cater or appeal to a child's morbid interest in violence,
- b. the videotape depicts violence in a way which is patently offensive to the average adult applying contemporary adult standards of the county in which the offense allegedly occurred with respect to what is suitable for children, and
- c. the videotape, taken as a whole, lacks serious literary, artistic, political, or scientific value for children;

7. "Obscene" means that to which the following apply:

- a. the average person, applying contemporary standards of the community in which the offense allegedly occurred, would find that the subject matter, taken as a whole, appeals to the prurient interest,
- b. the subject matter describes or depicts sexual activity in a patently offensive way, and
- c. the subject matter, taken as a whole, lacks serious literary, artistic, political, or scientific value;

8. "Performance" means a play, dancing exhibition, show, tableau, exhibition, or other form of entertainment in which persons perform or participate in the presence of any other person or persons who have paid any consideration to observe;

9. "Produce" means to present, direct, or have a financial interest in a performance;

10. "Sadomasochistic abuse" means flagellation or torture by or upon a person as a means of sexual stimulation or gratification of any person, or the condition of being bound, fettered or otherwise physically restrained for such a purpose;

11. "Sexual activity" means any of the following performed alone, between persons of the same or opposite sex, or between humans and animals:

- a. acts of sexual intercourse, sodomy, or sexual intrusion, actual or simulated,
- b. acts of masturbation,
- c. acts of sadomasochistic abuse,
- d. acts of excretion on another person for sexual gratification;

12. "Sexually explicit material" means the pictorial representation of sexual activity or nudity to which the following apply:

- a. the average person, applying contemporary standards of the county in which the offense allegedly occurred, would find that the pictorial representation, taken as a whole, tends to cater or appeal to a child's prurient interest,
- b. the pictorial representation depicts sexual activity or nudity in a way which is patently offensive to the average adult applying contemporary adult standards of the county in which the offense allegedly occurred with respect to what is suitable for children, and
- c. the pictorial representation, taken as a whole, lacks serious literary, artistic, or scientific value for children; and

13. "Wholesale distributes" means to distribute for purposes of resale or redistribution.

Promoting Obscenity

SECTION 303. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting obscenity occurs when a person knowingly:

1. Distributes obscene material;
2. Produces an obscene performance;
3. Participates in that portion of an obscene performance which makes it obscene; or
4. Sells or furnishes sexually explicit material to a person whom the actor knows or should know is a child.

B. Aggravated promoting obscenity occurs when a person knowingly:

1. Wholesale distributes obscene material;
2. Requires the acceptance of obscene material as a condition to any legal sale, allocation, consignment or delivery of any other material;
3. Denies any franchise by reason of the failure or refusal of any person to accept any obscene material; or
4. Sells or furnishes obscene material to a person whom the actor knows or should know is a child.

C. Promoting obscene material is a Class \_\_ felony. Aggravated promoting obscene material is a Class \_\_ felony.

#### Permitting Obscenity

SECTION 304. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-202 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Permitting obscenity occurs when a person leases or otherwise allows the use of any place owned or possessed by that person, alone or in association with others, knowing that the place will be used for promoting obscenity.

B. Permitting obscenity is a Class \_\_ misdemeanor.

#### Making an Obscene Communication

SECTION 305. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-203 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Making an obscene communication occurs when a person knowingly makes any obscene request, suggestion, or proposal to another person by means of telecommunication or citizen band radio. It is immaterial as to who initiated the call and it is immaterial as to whether the communication is made directly or by means of a recording.

B. Making an obscene communication is a Class \_\_\_ misdemeanor.

Providing Videotapes Containing Morbid Violence

SECTION 306. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-204 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Providing videotapes containing morbid violence occurs when a person rents or sells a morbidly violent videotape to a person whom the actor knows or should know is a child. The rental or sale must be without the consent of the child's parent, guardian or other person having custody or control of the child and the actor must know or should know that the videotape is morbidly violent.

B. Providing videotapes containing morbid violence is a Class \_\_\_ misdemeanor.

Promoting Child Pornography

SECTION 307. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-205 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting child pornography occurs when a person knowingly distributes or furnishes child pornography.

B. Aggravated promoting child pornography occurs when a person knowingly wholesale distributes child pornography.

C. Promoting child pornography is a Class \_\_\_ felony.  
Aggravated promoting child pornography is a Class \_\_\_ felony.

### Using a Minor in Child Pornography

SECTION 308. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-206 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Using a minor in child pornography or obscenity occurs when a person knowingly:

1. Manufactures child pornography;
2. Coerces or induces a person whom the actor knows or should know is a minor to participate as a subject in child pornography; or
3. Coerces or induces a person whom the actor knows or should know is a minor to participate in any manner in the manufacture of obscene material.

B. Using a minor in child pornography is a Class \_\_ felony.

### Failure to Report Child Pornography

SECTION 309. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-207 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to report child pornography occurs when a person, in the course of printing, developing, transmuting, reproducing, or otherwise processing a photograph or other pictorial material, knows or should know that such photograph or other pictorial material depicts a child engaged in sexual activity, and fails to report such information to a law enforcement official.

B. Failure to report child pornography is a Class \_\_ misdemeanor.

### Permitting Use of a Minor in Child Pornography

SECTION 310. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-208 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Permitting the use of a minor in child pornography or obscenity occurs when a parent, guardian, or other person having custody or control of a minor knowingly permits the minor to

participate as a subject in child pornography or knowingly permits the minor to participate in the manufacture of obscene material or the production of an obscene performance.

B. Permitting the use of a minor in child pornography or obscenity is a Class \_\_ felony.

#### Purchasing Child Pornography

SECTION 311. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-209 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Purchasing child pornography occurs when a person pays or gives anything of value to obtain child pornography. The actor must know or should know that the purchase is child pornography.

B. Purchasing child pornography is a Class \_\_ felony.

#### Bestiality

SECTION 312. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-210 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Bestiality occurs when a person engages in sexual activity with an animal for sexual gratification or performance.

B. Bestiality is a Class \_\_ felony.

### Part 3. Prostitution

#### Prostitution Definitions

SECTION 313. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-300 of Title 21, unless there is created a duplication in numbering, reads as follows:

In prostitution crimes:

1. "Coercion" means, in addition to the definition in paragraph 6 of Section 34 of this act:

- a. the use of a drug or intoxicating substance to render one incapable of controlling one's conduct or appreciating its nature, or

- b. withholding or threatening to withhold from a drug or alcohol dependent person the substance on which such person is dependent;

2. "House of prostitution" means any place where prostitution or promotion of prostitution is regularly carried on by a person under the control, management, or supervision of another person or persons; and

3. "Sexual activity" means sexual intercourse, sodomy, or sexual intrusion as defined in Section 65 of this act.

#### Prostitution

SECTION 314. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-301 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Prostitution occurs when a person engages, or agrees or offers to engage, in sexual activity with another when the actor knows that compensation is to be received.

B. Prostitution is a Class \_\_\_ misdemeanor.

#### Promoting Prostitution

SECTION 315. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-302 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting prostitution occurs when a person knowingly:

1. Owns, controls, manages, supervises or otherwise keeps, alone or in association with others, a house of prostitution;

2. Procures a person to act as a prostitute in or for a house of prostitution;

3. Induces or causes a person to engage in prostitution or to remain as a prostitute in a house of prostitution;

4. Solicits a person to hire a prostitute;

5. Procures a prostitute for another person; or

6. Transports a person into or within this state with the intent to promote that person's engaging in prostitution or procuring or paying for such transportation with that intent.

B. Aggravated promoting prostitution occurs when a person knowingly causes, induces, or procures another person to engage in prostitution by the use of force or coercion.

C. Promoting prostitution is a Class \_\_ felony. Aggravated promoting prostitution is a Class \_\_ felony.

#### Permitting Prostitution

SECTION 316. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-303 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Permitting prostitution occurs when a person leases, or otherwise allows premises owned or possessed by that person, alone or in association with others, knowing that the premises will be used as a house of prostitution or for the promotion of prostitution.

B. Permitting prostitution is a Class \_\_ misdemeanor.

#### Hiring a Prostitute

SECTION 317. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-304 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Hiring a prostitute occurs when a person pays, or agrees or offers to pay, something of value to a prostitute with the intent that the payment be exchanged for sexual activity with the actor.

B. Hiring a prostitute is a Class \_\_ misdemeanor.

#### Part 4. Corpses

##### Corpse Definitions

SECTION 318. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-400 of Title 21, unless there is created a duplication in numbering, reads as follows:

In improper treatment of a corpse and related crimes:



1. "Burial artifacts" means anything placed with a dead human body at the time of entombment, including a casket and hardware, burial markers, and any items of personal adornment or other personal use;

2. "Dead human body" means human remains in a state of full composition, at any stage of decomposition, human skeletal remains, and the remains of a corpse after cremation;

3. "Entombment" means burial or any other final disposition of the remains of a dead human body;

4. "Post-mortem examination" means a physical examination of a dead human body by a medical practitioner which is less than an autopsy;

5. "Unauthorized person" means anyone other than a law enforcement officer, registered mortician, a representative of the office of the Chief Medical Examiner, a professional archaeologist, physical anthropologist, curator of a museum, or other public servant in the performance of an official duty; and

6. "Unmarked burial ground" means any grounds where a dead human body is located which is not designated as or known to be a cemetery.

#### Improper Treatment of a Corpse

SECTION 319. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-401 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper treatment of a corpse occurs when a person unlawfully and knowingly:

1. Performs an autopsy or post-mortem examination;

2. Removes a dead human body, or any portion thereof, from its place of entombment or from any place where it is kept while awaiting entombment;

3. Removes a dead human body or any portion thereof from the site at which death occurred with the intent to conceal the fact of the death or to prevent the detection of a crime;

4. To any extent dismembers, mutilates, destroys, or destroys the integrity of, a dead human body; or

5. Treats a dead human body in any way that would reasonably outrage the feelings of the family or friends of the deceased or would shock the sensibilities of the community.

B. Improper treatment of a corpse is a Class \_\_ felony.

#### Failing to Report Unmarked Burial Grounds

SECTION 320. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-402 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failing to report unmarked burial grounds occurs when a person knowingly discovers in an unmarked burial ground a dead human body or burial artifacts and fails to report the discovery and its location within twenty-four (24) hours to a law enforcement official.

B. Failing to report unmarked burial grounds is a Class \_\_ misdemeanor.

#### Damaging Unmarked Burial Grounds

SECTION 321. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-403 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Damaging unmarked burial grounds occurs when an unauthorized person knowingly substantially damages a dead human body or burial artifacts found in or removed from unmarked burial grounds.

B. Damaging unmarked burial grounds is a Class \_\_ felony.

#### Commercial Exploitation of the Dead

SECTION 322. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-404 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Commercial exploitation of the dead occurs when a person displays for any commercial purpose what the person knows are open burial grounds, burial artifacts, or human skeletal remains.

B. Aggravated commercial exploitation of the dead occurs when a person buys or sells or otherwise exchanges for gain, what the person knows are human skeletal remains or burial artifacts.

C. Commercial exploitation of the dead is a Class \_\_ misdemeanor. Aggravated commercial exploitation of the dead is a Class \_\_ felony.

## Part 5. Children

### Contributing to the Delinquency of Children Definitions

SECTION 323. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-500 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of contributing to the delinquency of a child:

1. "Child in need of supervision" means a child who:

- a. has repeatedly disobeyed reasonable and lawful commands or directives of the child's parent, legal guardian, or other custodian,
- b. is absent from home without the consent of the child's parent, legal guardian, or other custodian for a substantial length of time or without the intent to return, or
- c. is absent from school for fifteen (15) or more days or parts of days within a semester, or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school board, if the child is subject to compulsory school attendance;

2. "Delinquent child" means a child who:

- a. has violated any federal or state law or municipal ordinance, except a traffic statute or traffic

ordinance, or any lawful order of the court made pursuant to the provisions of Sections 1101 through 1506 of Title 10 of the Oklahoma Statutes, or

b. has habitually violated traffic laws or traffic ordinances;

3. "Encourage" means, in addition to its ordinary meaning, to fail to prevent or to fail to attempt to prevent a child from engaging in conduct by which such child will become or remain a delinquent child or a child in need of supervision, when the actor is able to do so;

4. "Occupation licensee" means the same as the definition of this term in Title 3A of the Oklahoma Statutes; and

5. "Organization licensee" means the same as the definition of this term in Title 3A of the Oklahoma Statutes.

#### Contributing to the Delinquency of a Child

SECTION 324. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-501 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Contributing to the delinquency of a child occurs when a person:

1. Who is the parent or guardian of a child, knowingly permits that child, within the limits of any city, town, or township, to have access to a loaded firearm or an unloaded firearm with available ammunition, without active and immediate supervision by the parent or guardian;

2. Who is the parent or guardian of the child, knowingly permits that child, outside of the limits of any city, town, or township, to have access to a loaded firearm or an unloaded firearm with available ammunition, without appropriate supervision;

3. Sells or furnishes tobacco in any form to a child whom the actor knows or should know is under sixteen (16) years of age;

4. Knowingly causes or permits a child to enter or remain in a place where unlawful activity involving a controlled dangerous substance is maintained or conducted or where prostitution, unlawful gambling or the manufacture or production of pornography takes place;

5. Who is an organization licensee under the Oklahoma Horse Racing Act, Section 200.1 et seq. of Title 3A of the Oklahoma Statutes, knowingly permits a child:

- a. who is not either an occupation licensee or an employee of the organization licensee, to be admitted to the grandstand or any other pari-mutuel wagering area during a race meeting, or
- b. to participate in the pari-mutuel wagering system conducted by an organization licensee, or

6. Knowingly causes or encourages a child to become or remain a delinquent child or a child in need of supervision.

B. Aggravated contributing to the delinquency of a child occurs when a person furnishes any loaded firearm or unloaded firearm with available ammunition, illegal knife, knuckles, or prohibited weapon to a child when the actor knows or should know that the child will carry it into or onto school property or to any other public gathering.

C. Contributing to the delinquency of a minor is a Class \_\_ misdemeanor. Aggravated contributing to the delinquency of a minor is a Class \_\_ felony.

#### Trafficking in Children Definitions

SECTION 325. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-502 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of trafficking in children:

1. "Child placing agency" means a child welfare agency licensed by the state to place children in foster homes, group homes, or adoptive homes; and

2. "Foster home" means a place, other than the home of a parent, relative within the fourth degree, or guardian of a child, which receives a child for temporary or permanent care, custody, or maintenance.

#### Trafficking in Children

SECTION 326. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-503 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in children occurs when a person:

1. Unlawfully offers, confers, or agrees to confer upon another person, or when a person solicits, accepts, or agrees to accept from another person, anything of value in exchange for or in connection with the adoption of a child, the placement of a child in a foster home, or the transfer of legal or physical custody of a child knowing that such adoption, placement or transfer is not authorized by law;

2. Transports a child into or out of this state for the purpose of placing the child in a foster home or procuring its adoption, knowing that the actor has not obtained the consent of the proper governmental agency; or

3. Offers or advertises to place a child for adoption or to place a child in a foster home with the intent to induce a pregnant woman to enter a facility for maternity care or for delivery of a child.

B. Trafficking in children is a Class \_\_ felony. Convictions for second or subsequent violations of this section shall not be subject to suspended sentences, deferred judgments, or probation.

C. The following are exceptions to trafficking in children:

1. The payment of reasonable medical expenses of an expectant mother or child when approved by the court;

2. The payment of reasonable attorney's fees for services rendered in adoption or custody proceedings when approved by the court;

3. Lawful fees charged by a licensed child placing agency when approved by the court; or

4. With respect to transporting children into or out of this state, the parent or guardian of a child or a person bringing a child into this state for the purpose of adopting the child into the family of the person doing the transporting.

D. It is intended that this crime not be applicable if the crime of bribery is present.

## ARTICLE IX

### MISCELLANEOUS CRIMES

#### Part 1. Crimes Relating to Animals

##### Animal Protection Crimes Definitions

SECTION 327. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

In animal crimes:

1. "Animal" means every living warm-blooded vertebrate except a human being;

2. "Animal combat" means pitting against one another in physical battle any animal with another animal or any animal with a human being. It also includes tying, attaching, or fastening any live animal to any machine or device for the purpose of causing such animal to be pursued by another animal. "Animal combat" does not include cock fighting;

3. "Animal shelter" means a facility used to house or contain animals which is owned, operated, or maintained by a governmental unit, or a humane society, animal welfare society, society for the

prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, which is established in compliance with, or authorized to operate by, applicable state or local laws or regulations governing such facilities;

4. "Custodian" means any person who harbors an animal, or any person who agrees to care for or control an animal;

5. "Dangerous animal" means one which poses a serious threat to humans such as bears, lions, reptiles, tigers, or other similar animals;

6. "Dangerous dog" means any dog that has inflicted a severe injury upon a person or a domestic animal without provocation, or a dog which has been trained as an attack dog, except police dogs;

7. "Effective control" means that degree of physical restraint which prevents an animal from harming human beings or domestic or farm animals;

8. "Exhibition of animal combat" means a show or display of animal combat in the presence of human beings or for the purpose of subsequent presentation to human beings;

9. "Farm animal" means an animal used or intended for use in farm or ranch operations, or as food;

10. "Harbor" means to feed or shelter an animal for three or more consecutive days, other than pursuant to an agreement to do so with the animal's owner or custodian;

11. "Humane killing" means the destruction of an animal in accordance with the standards of the American Veterinary Medical Association's Panel on Euthanasia, or by a method which causes little or no pain, suffering, or distress;

12. "Pests" means birds, rabbits, or rodents which damage property or threaten public health. It shall not include any member of an endangered specie as determined by the United States



Department of the Interior or under the law of the State of Oklahoma;

13. "Reasonable care" means adequate provision for the needs of an animal, including nutritious food, clean water, shelter, and health care. It also means that when an animal is confined in a motor vehicle or other enclosed space, protection must be afforded the animal from extremes of temperature which could cause it serious harm;

14. "Reasonable control" means reasonable, species-appropriate physical restraint, or otherwise having the ability to effectively govern the behavior of an animal, so that it does not injure itself; and

15. "Severe injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

#### Animal Abuse

SECTION 328. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Animal abuse occurs when a person:

1. Intentionally subjects any animal to injury, pain, or suffering;

2. Intentionally kills an animal under any circumstances or in any manner not expressly authorized;

3. Abandons an animal which was previously in that person's custody or owned by that person when the actor knows or should know that the animal will not receive reasonable care; or

5. Knowingly overworks or overloads an animal, or drives or works an animal which is unfit to work.

B. Animal abuse is a Class \_\_ felony.

#### Animal Neglect

SECTION 329. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Animal neglect occurs when a person who is an owner or custodian of an animal knowingly fails to provide it with reasonable care or reasonable control.

B. Animal neglect is a Class \_\_ misdemeanor.

Failure to Aid an Injured Animal

SECTION 330. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to aid an injured animal occurs when a person knowingly injures a domestic or farm animal and fails to provide reasonable aid or to promptly notify a law enforcement official or other appropriate authority of the injury and of the animal's location.

B. Failure to aid an injured animal is a Class \_\_ misdemeanor.

Failure to Control a Dangerous Dog or Other Dangerous Animal

SECTION 331. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to control a dangerous dog or other dangerous animal occurs when a person who owns or is the custodian of a dangerous dog or other dangerous animal knowingly fails to exercise effective control over that dog or other animal.

B. Failure to control a dangerous dog or other dangerous animal is a Class \_\_ misdemeanor. A second or subsequent conviction for violating this section is a Class \_\_ felony.

Promoting an Exhibition of Animal Combat

SECTION 332. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Promoting an exhibition of animal combat occurs when a person:

1. Knowingly attends an exhibition of animal combat;
2. Knowingly uses an animal to train another animal for animal combat;
3. Knowingly establishes, promotes, engages in, wagers on, or is employed at an exhibition of animal combat;
4. Knowingly receives money for admission of another person to an exhibition of animal combat;
5. Owns, uses, possesses, trains, buys, or sells any animal with the intent to employ it in an exhibition of animal combat; or
6. Knowingly permits any act in violation of this section to occur on any premises owned or controlled by that person.

B. Promoting an exhibition of animal combat by violating paragraph 1 or 2 of subsection A of this section is a Class \_\_\_ misdemeanor. Promoting an exhibition of animal combat by violating paragraphs 3 through 6 of subsection A of this section is a Class \_\_\_ felony. This section shall not apply to cock fighting; provided, however, nothing in this act shall prohibit any political subdivision of this state from enacting any law or ordinance to prohibit cock fighting within its jurisdiction.

#### Exposing Animals to Contagious Diseases

SECTION 333. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-106 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Exposing animals to contagious diseases occurs when a person:

1. Knowing that animals owned or controlled by such person have an infectious or contagious disease, permits those animals to have access to any noninfected animals; or
2. Knowingly brings into this state any diseased cattle.

B. Exposing animals to contagious diseases is a Class \_\_ misdemeanor.

Improper Disposal of Diseased Animal Remains

SECTION 334. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-107 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper disposal of diseased animal remains occurs when a person, knowing that an animal owned or possessed by such person has died of an infectious or contagious disease, fails to dispose of the carcass as provided by law.

B. Improper disposal of diseased animal remains is a Class \_\_ misdemeanor.

Trafficking in Infected Carcasses

SECTION 335. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-108 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in infected animal carcasses occurs when a person, knowing that an animal has died of an infectious or contagious disease:

1. Sells or otherwise transfers such animal to another person and the actor knows or should know that the other person plans to deal with the carcass in any manner other than burying or burning it; or

2. Buys the carcass with the intent to deal with it in any manner other than burying or burning it.

B. Trafficking in infected animal remains is a Class \_\_ misdemeanor.

Exceptions to Animal Protection Crimes

SECTION 336. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-109 of Title 21, unless there is created a duplication in numbering, reads as follows:

The provisions of Sections 328 through 335 of this act shall not apply to:

1. Reasonable care or treatment of an animal performed by a veterinarian licensed under the Oklahoma Veterinary Practice Act, Section 698.1 et seq. of Title 59 of the Oklahoma Statutes;

2. Research activity carried on by any research facility meeting the standards of the Federal Animal Welfare Act, as amended;

3. Hunting, fishing, or trapping activities or practices permitted by state law;

4. Rodeo practices accepted by the Professional Rodeo Cowboy's Association;

5. Commonly accepted practices occurring in connection with animal racing and animal pulling contests;

6. The humane killing of an animal by its owner, by an agent of the owner, by a veterinarian upon the request of the owner or of the custodian of an abandoned animal, or by a person providing aid to an injured animal pursuant to Section 330 of this act;

7. The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, a law enforcement official, or a health official;

8. Commonly accepted practices of animal husbandry with respect to farm animals and commonly accepted practices occurring in connection with the slaughter of animals for food or by-products, including the transportation of animals from one location to another;

9. The use of reasonable force against an animal, other than a working police dog or police horse, including killing, wounding, capturing or restraining the animal, if such animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person, other animal, or property;

10. The killing of house or garden pests in a reasonable manner;

11. Commonly accepted animal training practices; or

12. An exhibition of animal combat choreographed and performed in connection with the making of a commercial motion picture or a theatrical performance if conducted in accordance with the standards of the Motion Picture Industry of the United States.

Animal Husbandry and Slaughter Crimes Definitions

SECTION 337. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-110 of Title 21, unless there is created a duplication in numbering, reads as follows:

In animal husbandry and slaughter crimes:

1. "Adulterated" means tainted or impure as defined in subparagraphs a through g of paragraph 11 of Section 6-254 of Title 2 of the Oklahoma Statutes;

2. "Adulterated article" means one that is tainted or impure as defined in subparagraph h of paragraph 11 of Section 6-254 of Title 2 of the Oklahoma Statutes;

3. "Approved market" means the same as the definition of that term in Section 6-150 of Title 2 of the Oklahoma Statutes;

4. "In an unlawful manner" means in violation of the requirements of the Oklahoma Poultry Products Inspection Act, Section 6-251 et seq. of Title 2 of the Oklahoma Statutes or the Oklahoma Rabbit and Rabbit Products Inspection Act, Section 6-280.1 et seq. of Title 2 of the Oklahoma Statutes;

5. "Livestock" means the same as the definition of that term in Section 6-150 of Title 2 of the Oklahoma Statutes;

6. "Official health certificate" means the same as the definition of that term in Section 6-150 of Title 2 of the Oklahoma Statutes; and

7. "Permit" means the same as the definition of that term in Section 6-150 of Title 2 of the Oklahoma Statutes.

Improper Handling of Diseased Animals and Herds

SECTION 338. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-111 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper handling of diseased animals and herds occurs when the owner of an animal which has a positive reaction to an official brucellosis test knowingly fails to present that animal and any animals that are part of a known infected herd for branding or tagging within fifteen (15) days after receiving notice of reaction or exposure.

B. Aggravated improper handling of diseased animals and herds occurs when a person, without prior authorization from the Board of Agriculture, knowingly removes any permanent mark, brand, or metal ear tag from any animal with a reportable disease or an animal classified as diseased in a herd being depopulated.

C. Improper handling of diseased animals and herds is a Class \_\_\_ misdemeanor. Aggravated improper treatment of diseased animals and herds is a Class \_\_\_ felony.

Violating an Order to Quarantine Animals

SECTION 339. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-112 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Violating an order to quarantine animals occurs when a person knowingly violates any of the conditions of an order of the State Department of Agriculture which quarantines livestock.

B. Aggravated violating an order to quarantine animals occurs when all of the elements of violating an order to quarantine animals are present and, in addition, the aggregate value of the livestock involved in the violation exceeds Twenty-five Thousand Dollars (\$25,000.00).

C. Violating an order to quarantine animals is a Class \_\_ misdemeanor. Aggravated violating an order to quarantine animals is a Class \_\_ felony.

Trafficking in Tubercular Cattle

SECTION 340. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-113 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in tubercular cattle occurs when a person sells, offers for sale, trades, or in any manner disposes or offers to dispose of any bovine animal knowing that such animal is infected with tuberculosis.

B. Trafficking in tubercular cattle is a Class \_\_ misdemeanor.

Improper Transportation of Livestock

SECTION 341. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-114 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper transportation of livestock occurs when a person ships, transports, or causes the shipment or transportation of, any livestock:

1. Into the State of Oklahoma knowing that the driver of the vehicle or the person in possession of the livestock does not have an official health certificate or permit; or

2. Into or through the State of Oklahoma without the prior written permission of the Board of Agriculture, knowing that the livestock is infected with, or has been exposed to, any infectious, contagious, or communicable disease or that the livestock originates from a quarantined area.

B. Improper transportation of livestock is a Class \_\_ felony.

Exceptions to Improper Transportation of Livestock

SECTION 342. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-115 of Title 21, unless there is created a duplication in numbering, reads as follows:



A. An official health certificate is not required for any livestock shipped directly, with no diversion in route, to an approved market or slaughtering establishment operating under state or federal supervision, if a waybill, bill of lading, or certificate of ownership accompanies the shipment showing the consignor and the point of origin of the shipment, and the approved market or slaughtering establishment to which the livestock are shipped.

B. Prior written permission is not required to transport diseased animals which are approved for interstate shipment under specified restrictions by the Animal Health Division, Agricultural Research Service, United States Department of Agriculture.

#### Improper Meat Processing

SECTION 343. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-116 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Improper meat processing occurs when a person who slaughters or processes poultry or poultry products, or rabbit or rabbit products, capable of use for human food and solely for intrastate commerce, knowingly engages in such slaughter or processing in an unlawful manner.

B. Aggravated improper meat processing occurs when all of the elements of improper meat processing are present and, in addition, the person acts with the intent to defraud or the violation involves the distribution or attempted distribution of an adulterated article.

C. Improper meat processing is a Class \_\_ misdemeanor.  
Aggravated improper meat processing is a Class \_\_ felony.

#### Trafficking in Illegal Poultry Carcasses

SECTION 344. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-117 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Trafficking in illegal poultry carcasses occurs when a person knowingly buys, sells, transports, offers for sale or transportation, or receives for transportation, in intrastate commerce:

1. Any poultry carcasses or parts or products thereof which are not intended for use as human food; or
2. Dead, dying, disabled or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

B. Aggravated trafficking in illegal poultry carcasses occurs when all of the elements of trafficking in illegal poultry carcasses are present and, in addition:

1. The poultry or parts or products thereof are adulterated; or
2. The actor acts with the intent to defraud.

C. Trafficking in illegal poultry carcasses is a Class \_\_ misdemeanor. Aggravated trafficking in illegal poultry carcasses is a Class \_\_ felony.

#### Exceptions to Trafficking in Illegal Poultry Carcasses

SECTION 345. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-118 of Title 21, unless there is created a duplication in numbering, reads as follows:

Exceptions to trafficking in illegal poultry carcasses are:

1. Poultry carcasses or parts or products thereof which are denatured, which are otherwise identified as required by the regulations of the Board of Agriculture, or which are naturally inedible by humans; or
2. The transaction or transportation is done in accordance with regulations issued by the Board of Agriculture.

#### Part 2. Other

#### Misuse of a Communication Facility Definitions

SECTION 346. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-200 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of misuse of a communication facility:

1. "Automated telephone system" means a self operating method for the selection or dialing of telephone numbers and the playing of a recorded message without the use of a live operator when a connection is completed;

2. "Communication facility" means any instrumentality capable of transmitting writing, signs, signals, pictures, or sounds, including the mail, telephones, wire, radio, and any other means of communication;

3. "Emergency" means a situation in which human life, human health, or property is in danger and the prompt summoning of assistance is essential;

4. "Facsimile device" means a machine capable of receiving and reproducing facsimiles of text or images transmitted electronically or telephonically through telecommunication lines connecting to the machine;

5. "Normal business hours" means 8 a.m. to 5 p.m. Monday through Friday, excluding national and state holidays; and

6. "Unsolicited commercial promotion" means an electronic or telephonic transmission for the purpose of offering for sale, or conveying information regarding, property or services made to a person who did not request in writing or otherwise initiate the communication, or which does not concern property or services previously ordered or purchased. An assignee of a creditor shall be deemed to have the same relationship with the recipient of the message as does the creditor.

#### Misuse of a Communication Facility

SECTION 347. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-201 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Misuse of a communication facility occurs when a person knowingly:

1. Uses a communication facility with the intent to annoy or frighten another person;

2. Permits another person to use a communication facility owned by or in that person's control in violation of paragraph 1 of this subsection;

3. Refuses to surrender the use of a party line after being told that the line is needed to report a fire or to obtain law enforcement or medical assistance in an emergency;

4. Requests the use of a party line on the pretext that an emergency exists knowing that the pretext is false;

5. Transmits an unsolicited commercial promotion to a facsimile device located in this state either:

a. during normal business hours, or

b. after normal business hours if the transmission exceeds two pages in length;

6. Uses or permits the use of an automated telephone system for conveying an unsolicited commercial promotion; or

7. Makes an unsolicited commercial promotion by telephone and fails to state, prior to making the promotion, the actor's name and organizational or business affiliation or refuses to provide the actor's telephone number upon request.

B. Misuse of a communication facility is a Class \_\_\_ misdemeanor.

#### Failure to Comply with the Sex Offenders

##### Registration Act Definition

SECTION 348. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-210 of Title 21, unless there is created a duplication in numbering, reads as follows:

In the crime of failure to comply with the Sex Offenders Registration Act, "Sex Offenders Registration Act" means those statutes designated as part of the act pursuant to Section 581 et seq. of Title 57 of the Oklahoma Statutes.

Failure to Comply with the Sex Offenders

Registration Act

SECTION 349. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-211 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Failure to comply with the Sex Offenders Registration Act, Section 581 et seq. of Title 57 of the Oklahoma Statutes, occurs when a person who is required to register under the Sex Offenders Registration Act knowingly:

1. Fails to register with the Department of Corrections in the time and manner required by the Sex Offenders Registration Act; or
2. Fails to provide written notification to the Department of Corrections of a change of address within ten (10) business days after such change takes place.

B. Failure to comply with the Sex Offenders Registration Act is a Class \_\_\_ misdemeanor.

C. It is intended that this crime not be applicable if false swearing or unsworn falsification are proper charges.

Charging an Unlawful Charitable

Contribution Solicitation Fee

SECTION 350. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-220 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Charging an unlawful charitable contribution solicitation fee occurs when a person solicits a contribution for a charitable nonprofit organization and knowingly charges more than a reasonable fee. A reasonable fee is one which does not exceed twenty percent (20%) of the net receipts of the solicitation unless the fee is based on a predetermined flat fee.

B. Charging an unlawful charitable contribution solicitation fee is a Class \_\_\_ misdemeanor.

ARTICLE X

## AFFIRMATIVE DEFENSES

### Effect of an Affirmative Defense

SECTION 351. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-100 of Title 21, unless there is created a duplication in numbering, reads as follows:

The effect of an affirmative defense is to allocate to the defendant the burden of producing sufficient evidence to support a finding that the facts giving rise to the defense exist.

### Statutory Defenses are not Exclusive

SECTION 352. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-101 of Title 21, unless there is created a duplication in numbering, reads as follows:

The provisions of this article shall not be construed as precluding any court from recognizing other defenses not inconsistent with these provisions.

### Defenses Cumulative

SECTION 353. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-102 of Title 21, unless there is created a duplication in numbering, reads as follows:

The defenses in this article are cumulative. Unless otherwise indicated, the unavailability of one defense does not preclude the possible availability of any other defense.

### Affirmative Defenses Definitions

SECTION 354. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-103 of Title 21, unless there is created a duplication in numbering, reads as follows:

In affirmative defenses:

1. "Deadly force" means force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury;

2. "Force" means any bodily impact, contact, restraint, or confinement that is employed without the consent of the person against whom it is directed;

3. "Great bodily harm" means serious and severe bodily harm. Such harm must be of a greater degree than a nonaggravated battery;

4. "Involuntary intoxication" means a disturbance of mental or physical capacities resulting from the introduction of substances into the body that results from:

- a. fraud, trickery or duress of another,
  - b. force of another,
  - c. accident or mistake on the actor's part,
  - d. a pathological condition, and
  - e. ignorance as to the effects of prescribed medication;
- and

5. "Mental illness" means a psychiatric disorder which substantially disturbs a person's thinking, feelings, or behavior and impairs the person's ability to function. "Mental illness" also includes any mental retardation or organic brain damage.

#### Exculpating Affirmative Defenses

SECTION 355. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-104 of Title 21, unless there is created a duplication in numbering, reads as follows:

An exculpating affirmative defense is a complete defense. The following are included in exculpating defenses:

1. Defense of Another: Deadly Force.

The defense of another by the use of deadly force is a defense when the crime charged involves the use of deadly force and the defendant believes the use of deadly force was immediately necessary to protect another person from danger of death or great bodily harm.

The defense of another by use of deadly force is not available if the defendant knows, at the time of committing the act of force, that the defendant could avoid the necessity of using deadly force,

with complete personal safety and with complete safety as to others, by causing the person protected to retreat. The defense is available if the person protected is not the aggressor and is on premises which the person protected owns or leases.

The defense of another by use of deadly force is not available if the person protected is the aggressor, provokes the other person with the intent to cause the altercation, or voluntarily enters into mutual combat. The defense is available if the person protected withdraws or attempts to withdraw from the altercation.

The defense of another by use of deadly force is not available to the defendant if the person protected enters the land of another without consent or refuses to leave the land of another after a lawful request to leave. The defense is available if the person protected takes advantage or attempts to take advantage of an opportunity to retreat with complete safety from an imminent danger of injury before repelling or attempting to repel an unlawful attack.

## 2. Defense of Another: Nondeadly Force.

The defense of another by the use of nondeadly force is a defense when the crime involves the use of nondeadly force and the degree of force used is reasonable and appropriate under the circumstances as viewed by a reasonable person in the defendant's situation and the defendant reasonably believes such use of force is immediately necessary to protect a third person from bodily injury.

This defense is not available to protect a person who is the aggressor, who provokes another person with the intent to cause the altercation, or who voluntarily enters into mutual combat. The defense is available if the person protected withdraws or attempts to withdraw from the altercation.

This defense is not available to protect a person who enters the land of another person without consent, or who refuses to leave the land of another after lawful request to leave. The defense is



available if the person protected takes advantage or attempts to take advantage of an opportunity to retreat with complete safety from an imminent danger of injury before the defendant repels or attempts to repel an unlawful attack.

### 3. Defense of Duress.

The defense of duress is a defense when the defendant engages in acts or omissions constituting the crime charged under compulsion or threat of imminent infliction of death or serious bodily injury, if the defendant reasonably believes that death or serious bodily injury will be inflicted upon the defendant or a member of the defendant's immediate family. The defense is not available to a defendant who fails to use a reasonably safe opportunity to escape from imminent danger of death or serious bodily injury.

### 4. Defense of Entrapment.

The defense of entrapment is a defense when the defendant allegedly engages in the conduct charged because the defendant is induced or persuaded to do so by a law enforcement official or by a person acting in cooperation with a law enforcement official. The defendant must have no predisposition to commit the alleged crime prior to being so induced or persuaded.

### 5. Defense of Habitation.

The defense of habitation is a defense when the defendant is lawfully present in a dwelling and uses force of a degree which the defendant reasonably believes is immediately necessary:

- a. to resist what the defendant reasonably believes to be an attempt by another to commit a felony upon or in a dwelling, or
- b. to use against another person who has made an unlawful entry into that dwelling, and the defendant has a reasonable belief that such other person will use physical force, no matter how slight, against any occupant of the dwelling.

Any person falling within the provisions of this subsection shall be immune from civil liability.

6. Defense of Insanity.

The defense of insanity is a defense when, at the time of the alleged conduct, the defendant, as a result of mental illness:

- a. does not know what the defendant is doing, or
- b. if the defendant does know what the defendant is doing, the defendant does not know that the conduct is wrong.

7. Defense of Involuntary Intoxication.

The defense of involuntary intoxication is a defense when at the time of the alleged conduct, the defendant, as a result of involuntary intoxication:

- a. does not know what the defendant is doing, or
- b. if the defendant does know what the defendant is doing, the defendant does not know that the conduct is wrong.

8. Defense of a Law Enforcement Official: Deadly Force.

The defense of a law enforcement official who uses deadly force is a defense available when the defendant is a law enforcement official or when the defendant is a person acting at the direction of a law enforcement official while in the aid and assistance of such official in the reasonable belief that such official's actions are lawful. It is a defense when the defendant reasonably believes that such deadly force is immediately necessary to effect an arrest or prevent an escape from custody following arrest and the defendant reasonably believes that both:

- a. such force is necessary to prevent the arrest from being defeated by resistance or escape, and
- b. there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious bodily

injury, or the person to be arrested is attempting to escape through the use of a dangerous weapon.

9. Defense of a Law Enforcement Official: Nondeadly Force.

The defense of a law enforcement official who uses nondeadly force is a defense when the defendant is a law enforcement official or is a person acting at the direction of a law enforcement official, or is a person aiding and assisting a law enforcement official, and the crime charged involves the use of nondeadly force against another which the defendant believes is reasonable and appropriate under the circumstances as viewed by a reasonable person in the defendant's situation. The defense is available to a defendant who reasonably believes the force used is immediately necessary to make or assist in making an arrest or search, or to prevent or assist in preventing an escape after arrest, if:

- a. the defendant has probable cause to believe the arrest or search is lawful or, if the arrest or search is made under warrant, the defendant reasonably believes the warrant is valid, and
- b. before using force, the defendant manifests the purpose of arresting or searching and provides identification as a law enforcement official or as one acting at a law enforcement official's direction, unless the defendant reasonably believes the defendant's purpose and identity are already known by, or cannot reasonably be made known to, the person arrested.

10. Defense of Occupational Risk.

The defense of occupational risk is a defense when a charge of criminal endangerment is based upon conduct violating the Oklahoma Pollutant Discharge Elimination System Act, Section 2-6-201 et seq. of Title 27A of the Oklahoma Statutes, and:

- a. the person endangered consented to the conduct which placed such person in danger after being informed of the risks, and
- b. the danger and the conduct were reasonably foreseeable hazards of an occupation, business, profession, medical treatment, or bona fide medical or scientific experiment.

#### 11. Defense of Property.

The defense of property is a defense when the crime charged involves the use of nondeadly force against another and the defendant believes the degree of force used is reasonable and appropriate under the circumstances. The defense of property is a defense when a defendant, lawfully in possession of real or personal property, uses nondeadly force against another which the defendant reasonably believes is necessary to prevent or attempt to prevent an imminent trespass or other unlawful interference with such property. The defense is not available to terminate or prevent a trespass, if the defendant knows that the exclusion of the trespasser will expose the trespasser to a substantial danger of serious bodily injury.

#### 12. Defense of Self: Deadly Force.

The defense of self by the use of deadly force is a defense when the crime charged involves the use of deadly force and the defendant believes the use of deadly force is immediately necessary to protect the defendant from danger of death or great bodily harm.

The defense of self by the use of deadly force is not available if the defendant knows, at the time of committing the act of force, that the defendant can avoid the necessity of using deadly force, with complete personal safety and with complete safety as to others, by retreating. The defense is available if the defendant is not the aggressor and is on premises which the defendant owns or leases.

The defense of self by the use of deadly force is not available to a defendant who is the aggressor, who provokes the other person

with the intent to cause the altercation, or who voluntarily enters into mutual combat. The defense is available if the defendant withdraws or attempts to withdraw from the altercation.

The defense of self by the use of deadly force is not available to a defendant who enters the land of another without consent, and who refuses to leave the land of another after a lawful request to leave. The defense is available if the defendant takes advantage or attempts to take advantage of an opportunity to retreat with complete safety from an imminent danger of injury before repelling or attempting to repel an unlawful attack.

#### 13. Defense of Self: Nondeadly Force.

The defense of self by the use of nondeadly force is a defense when the crime charged involves the use of nondeadly force and the degree of force is reasonable and appropriate under the circumstances as viewed by a reasonable person in the defendant's situation and the defendant reasonably believes such use of force is immediately necessary to protect the defendant from bodily injury.

The defense of self by the use of nondeadly force is not available to protect a person who is the aggressor, who provokes another person with the intent to cause the altercation, or who voluntarily enters into mutual combat. The defense is available if the defendant withdraws or attempts to withdraw from the altercation.

The defense of self by the use of nondeadly force is not available to protect a person who enters the land of another without consent, or who refuses to leave the land of another after a lawful request to leave. The defense is available if the defendant takes advantage or attempts to take advantage of an opportunity to retreat with complete safety from an imminent danger of injury before the defendant repels or attempts to repel an unlawful attack.

#### 14. Defense of Special Relationship.

The defense of special relationship is a defense when the crime charged involves the use of nondeadly force against another when the degree of force used is reasonable and appropriate under the circumstances as viewed by a reasonable person in the defendant's situation and:

- a. the defendant is the parent, guardian or other person similarly responsible for the general care and supervision of a child or a person acting at the request of such parent, guardian or other responsible person, and:
  - (1) the force is used for the purpose of safeguarding or promoting the welfare of the child, including the maintenance of discipline or punishment of misconduct, and
  - (2) the force used is not designed to cause or known to create a substantial risk of death, serious bodily injury, or extreme pain,
- b. the defendant is the guardian or other person similarly responsible for the general care and supervision of a mentally incompetent person and the defendant reasonably believes that the degree of force used is necessary:
  - (1) to safeguard and promote the incompetent's welfare, or, if the incompetent is in an institution for care and custody, to maintain discipline in the institution, and
  - (2) the force used is not designed to cause or known to create a substantial risk of death, serious bodily injury, or extreme pain,
- c. the defendant is a physician or licensed psychologist, a person acting under the physician's or

psychologist's direction, or a person who renders emergency care at the scene of an emergency, and:

(1) the force is used for the purpose of administering a recognized form of treatment that the actor believes to be adapted to promoting the physical or mental health of the other person, and

(2) the treatment is administered:

(a) with the consent of the other person, or

(b) if the other person is a child or a mentally incompetent person, with the consent of the parent, guardian, or other person legally competent to consent, or

(c) in an emergency when the defendant believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent,

d. the defendant has a reasonable belief that the other person is about to commit suicide or to self-inflict serious physical injury, or allow serious bodily injury to be inflicted upon that person and the force is reasonably used to prevent that result,

e. the defendant is the authorized agent or employee of a common carrier of passengers or a person assisting at such agent or employee's request, and:

(1) the force is used in expelling from the common carrier a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers,

- (2) the defendant believes that the force used is necessary to prevent interference with the operation of the common carrier, or
  - (3) the force is used to maintain safety and order on the common carrier,
- f. the defendant is a teacher or other person entrusted with the care and supervision of a child for school purposes and the force is used:
- (1) to protect the defendant or others from immediate physical injury,
  - (2) to obtain possession of a dangerous instrument or controlled dangerous substance, upon or within the control of such child,
  - (3) to protect property from physical damage, or
  - (4) to restrain such child or remove such child to another area to maintain order, or
- g. the defendant is an authorized official of a correctional institution or facility and the force used is authorized by the rules of the correctional institution or facility to maintain order and discipline; and the force used is not designed to cause or known to create a substantial risk of death, serious bodily injury, or extreme pain.

#### Mitigating Affirmative Defenses

SECTION 356. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-105 of Title 21, unless there is created a duplication in numbering, reads as follows:

A mitigating affirmative defense is either a partial defense or a complete defense. A mitigating defense rebuts the mental element or elements of any true crime. These mental elements are intent, knowing, and malice. If there is a lesser included offense of the crime charged which is a general intent crime, a mitigating defense



is a partial defense and only reduces the severity of the crime charged. A general intent crime is one which is sufficiently blameworthy to merit punishment, but does not have a separate mental element requirement. If there is not such a lesser included offense, a mitigating defense is a complete defense. The following are included in the mitigating defenses:

1. Defense of Diminished Capacity.

The defense of diminished capacity is a defense when the defendant is in an impaired mental condition at the time of committing the alleged offense. An impaired mental condition means a condition of the mind which is caused by mental disease or defect, including intoxication. An impaired mental condition does not constitute insanity. Nevertheless, it may prevent the defendant from forming a culpable mental state which is an essential element of the alleged crime.

2. Defense of Heat of Passion.

The defense of heat of passion is a defense when sufficient evidence is introduced to establish the following four requirements: first, adequate provocation; second, a passion or an emotion such as fear, terror, anger, rage, or resentment existed in the defendant; third, the crime occurs while the passion still exists, and before there is a reasonable opportunity for the passion to cool; and fourth, there is a causal connection between the provocation, the passion, and the resulting harm. Requirements one, three, and four demand an objective reasonable person standard. Requirement two demands a subjective standard on behalf of the defendant; and

3. Defense of Mistake of Fact.

The defense of mistake of fact is a defense when a mistake of fact negates the required mental element of the crime. This defense is applicable if the defendant, at the time of committing the alleged offense, is acting under a mistake of fact. Whether a mistake of fact exists is to be determined from the viewpoint of a

person in the defendant's situation under the circumstances as the defendant believes them to be.

SECTION 357. REPEALER 21 O.S. 1991, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 21, 22, 24, 26, 27, 28, 29, 30, 41, 42, 43, 44, 51, 51A, 52, 53, 54, 61.1, 61.2, 61.3, 61.4, 61.5, 62, 64, as amended by Section 1, Chapter 51, O.S.L. 1993, 65, 67, 68, 81, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 131, 132, 133, 141, 151, 152, 153, 154, 155, 156, as amended by Section 1, Chapter 159, O.S.L. 1992, 160, 171, 172, 173, 174, 175, 181, 182, 183, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 301, 302, 302.1, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 318, 320, 321, 322, 331, 332, 333, 341, 341.1, 342, 343, 344, 345, as amended by Section 16, Chapter 239, O.S.L. 1993, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 371, 372, 373, 374, 375, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 399, 400, 401, 402, 403, 404, 405, 406, 421, 422, 423, 424, 431, 434, 436, 437, 438, 439, 440, 441, 442, 443, as last amended by Section 50, Chapter 290, O.S.L. 1994, 443a, 444, 445, 451, 452, 453, 454, 455, as amended by Section 1, Chapter 182, O.S.L. 1993, 456, 461, 462, 463, 464, 471, 481, 482, 483, 484, 485, 486, 487, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 521, 522, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 540A, 540B, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 559, 562, 563, 564, 565, 565.1, 566, 567, as amended by Section 1, Chapter 73, O.S.L. 1993, 568, 569, 570, 571, 572, 573, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 586, 587, 588, 589, 590, 641, 642, 643, 644, 645, 646, 647, 648, 649, 649.1, 649.2, 650, 650.1, 650.2, as amended by Section 2, Chapter 326, O.S.L. 1993, 650.3, 650.4, 650.5, 651, 652, as amended by Section 1, Chapter 192, O.S.L. 1992, 653, 661, 662, 681, 691, 692, 693, 694, as amended by Section 1, Chapter

65, O.S.L. 1994, 695, 701.7, 701.8, 701.9, 701.10, as amended by Section 1, Chapter 67, O.S.L. 1992, 701.10a, as amended by Section 12, Chapter 325, O.S.L. 1993, 701.11, 701.11a, 701.12, 701.13, 701.15, 701.16, 702, 703, 704, 705, 711, 712, 713, 714, 715, 716, 717, 722, 731, 732, 733, 741, 745, 746, 747, 751, 752, 754, 755, 756, 757, 758, 759, 771, 772, 773, 774, 776, 777, 778, 779, 780, 781, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 811, 813, 814, 815, 816, 817, 818, 831, 832, 833, 834, 835, 836, 837, 838, 839.1, 839.2, 839.3, 841, 842, 843, 843.1, 844, 849, 850, as amended by Section 1, Chapter 82, O.S.L. 1992, 851, 852, as last amended by Section 1, Chapter 132, O.S.L. 1994, 852.1, 853, 854, 855, 856, as last amended by Section 1, Chapter 212, O.S.L. 1993, 856.1, 857, Section 1, Chapter 286, O.S.L. 1992, 858.1, 858.2, 865, 866, 867, 868, 869, 871, 872, 881, 882, 883, 884, 885, 888, as amended by Section 2, Chapter 289, O.S.L. 1992, 891, 901, 902, 903, 904, 905, 906, 907, 908, 909, 911, 912, 913, 914, 915, 916, 917, 918, 919, 931, 932, 941, as amended by Section 29, Chapter 328, O.S.L. 1992, 942, 943, 944, 945, 946, 947, 948, as amended by Section 2, Chapter 305, O.S.L. 1993, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 964, 965, 966, as amended by Section 30, Chapter 328, O.S.L. 1992, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 981, as amended by Section 31, Chapter 328, O.S.L. 1992, 982, 983, 984, 985, 986, 987, 988, 991, 992, 993, 996.1, 996.2, 996.3, 1021, 1021.1, 1021.2, 1021.3, 1021.4, 1022, 1023, 1024, 1024.1, 1024.2, 1024.3, 1024.4, 1025, 1026, 1027, 1028, as amended by Section 1, Chapter 143, O.S.L. 1992, 1029, as last amended by Section 1, Chapter 296, O.S.L. 1993, 1030, as last amended by Section 2, Chapter 296, O.S.L. 1993, 1031, as amended by Section 3, Chapter 296, O.S.L. 1993, 1040.8, 1040.9, 1040.10, 1040.11, 1040.12, 1040.13, 1040.14, 1040.15, 1040.16, 1040.17, 1040.18, 1040.19, 1040.20, 1040.21, 1040.22, 1040.23, 1040.24, 1040.25, 1040.26, 1040.51, 1040.52, 1040.53, 1040.54, Sections 1, 2,

and 3, Chapter 7, O.S.L. 1992, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, as amended by Section 1, Chapter 113, O.S.L. 1993, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1092, 1093, 1102, 1103, 1104, 1105, 1111, as amended by Section 1, Chapter 62, O.S.L. 1993, 1111.1, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, as amended by Section 3, Chapter 289, O.S.L. 1992, 1151, 1152, 1153, 1154, as amended by Section 1, Chapter 355, O.S.L. 1992, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1168.1, 1168.2, 1168.3, 1168.4, 1168.5, 1168.6, Section 2, Chapter 214, O.S.L. 1992, 1171, 1172, as amended by Section 1, Chapter 283, O.S.L. 1993, Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 1, Chapter 64, O.S.L. 1993, 1190, 1191, 1192, 1192.1, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1205, as amended by Section 337, Chapter 145, O.S.L. 1993, 1206, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, Section 1, Chapter 363, O.S.L. 1992, as amended by Section 338, Chapter 145, O.S.L. 1993, Section 2, Chapter 363, O.S.L. 1992, as amended by Section 339, Chapter 145, O.S.L. 1993, Section 3, Chapter 363, O.S.L. 1992, as amended by Section 340, Chapter 145, O.S.L. 1993, Section 4, Chapter 363, O.S.L. 1992, as amended by Section 341, Chapter 145, O.S.L. 1993, Section 5, Chapter 363, O.S.L. 1992, as amended by Section 342, Chapter 145, O.S.L. 1993, Section 6, Chapter 363, O.S.L. 1992, as amended by Section 343, Chapter 145, O.S.L. 1993, Section 7, Chapter 363, O.S.L. 1992, as amended by Section 344, Chapter 145, O.S.L. 1993, Section 8, Chapter 363, O.S.L. 1992, as amended by Section 345, Chapter 145, O.S.L. 1993, Section 9, Chapter 363, O.S.L. 1992, as amended by Section 346, Chapter 145, O.S.L. 1993, Section 10, Chapter 363, O.S.L. 1992, as amended by Section 347, Chapter 145, O.S.L. 1993, 1241, 1242, 1244, 1247, 1253, 1254, 1255, 1261, 1262,

1263, 1264, 1265.1, 1265.2, 1265.3, 1265.4, 1265.5, 1265.6, 1265.7, 1265.8, 1265.9, 1265.10, 1265.11, 1265.13, 1265.14, 1266, 1266.1, 1266.2, 1266.3, 1266.4, 1266.5, 1266.6, 1266.7, 1266.8, 1266.9, 1266.10, 1266.11, 1267.1, 1267.2, Section 3, Chapter 309, O.S.L. 1993, as amended by Section 51, Chapter 290, O.S.L. 1994, 1272, as amended by Section 1, Chapter 309, O.S.L. 1993, 1272.1, 1272.2, 1273, as last amended by Section 52, Chapter 290, O.S.L. 1994, 1276, 1277, as last amended by Section 3, Chapter 264, O.S.L. 1993, 1278, as amended by Section 4, Chapter 264, O.S.L. 1993, 1279, 1280, as last amended by Section 5, Chapter 264, O.S.L. 1993, Section 3, Chapter 170, O.S.L. 1992, as amended by Section 2, Chapter 286, O.S.L. 1992, 1281, 1282, 1283, as last amended by Section 53, Chapter 290, O.S.L. 1994, 1284, 1286, 1287, 1288, 1289.1, 1289.2, 1289.3, 1289.4, 1289.5, 1289.6, as amended by Section 6, Chapter 264, O.S.L. 1993, 1289.7, 1289.8, as last amended by Section 2, Chapter 169, O.S.L. 1994, 1289.9, 1289.10, 1289.11, 1289.12, 1289.13, 1289.15, 1289.16, 1289.17, 1289.18, 1289.19, as amended by Section 1, Chapter 216, O.S.L. 1992, 1289.20, 1289.21, 1289.22, 1289.23, as amended by Section 1, Chapter 307, O.S.L. 1994, 1289.24, 1289.25, Section 2, Chapter 216, O.S.L. 1992, 1301, 1302, 1303, 1304, 1305, 1306, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320.1, 1320.2, 1320.3, 1320.4, 1320.5, 1320.6, 1320.7, 1320.9, 1320.10, 1321.1, 1321.2, 1321.3, 1321.4, 1321.5, 1321.6, 1321.7, 1321.8, 1321.9, 1321.10, 1326, 1327, 1328, 1351, 1352, 1353, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, as amended by Section 3, Chapter 192, O.S.L. 1992, 1370, 1371, 1372, 1375, 1376, 1377, 1401, 1402, 1403, 1404, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1431, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, as amended by Section 1, Chapter 147, O.S.L. 1993, 1463, 1464, 1481, 1482, 1483, 1484, 1485, 1486, 1488, 1500, 1501, 1502, 1503, as amended by Section 2, Chapter 147, O.S.L. 1993, 1505, 1506, 1507,

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1767.2, 1767.3, as amended by Section 4, Chapter 192, O.S.L. 1992, 1767.4, 1768, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1831, 1832, 1834, 1834.1, 1834.2, 1835, 1835.1, 1836, 1836.1, 1836.2, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1847a, as amended by Section 4, Chapter 317, O.S.L. 1992, 1848, 1849, 1850, 1851, 1852, 1853, 1861, 1862, 1863, 1901, 1902, 1903, 1904, 1951, 1952, 1953, 1954, 1955, 1957, 1958, 1975, 1976, 1977, 1978, 1979, 1980 and 1981 (21 O.S. Supp. 1994, Sections 64, 156, 345, 443, 455, 567, 650.2, 652, 694, 701.10, 701.10a, 850, 852, 856, 858, 888, 941, 948, 966, 981, 1028, 1029, 1030, 1031, 1040.75, 1040.76, 1040.77, 1048, 1111, 1123, 1154, 1168.7, 1172, 1173, 1205, 1230.1, 1230.2, 1230.3, 1230.4, 1230.5, 1230.6, 1230.7, 1230.8, 1230.9, 1230.10, 1271.1, 1272, 1273, 1277, 1278, 1280, 1280.1, 1283, 1289.6, 1289.8, 1289.19, 1289.23, 1289.26, 1369, 1462, 1503, 1521, 1533, 1541.2, 1541.3, 1550.41, 1663, 1705, 1706, 1719.1, 1719.2, 1722, 1731, 1738, 1753.3, 1753.8, 1753.9, 1761.1, 1767.3 and 1847a), which relate to crimes and punishments, are hereby repealed.

SECTION 358. RECODIFICATION 21 O.S. 1991, Section 142.1, shall be recodified as Section 70 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.2, shall be recodified as Section 70.1 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.3, as last amended by Section 5, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.3), shall be recodified as Section 70.2 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.4, shall be recodified as Section 70.3 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.5, as amended by Section 6, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.5), shall be recodified as Section 70.4 of Title 22 of

the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.6, shall be recodified as Section 70.5 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.7, shall be recodified as Section 70.6 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.8, shall be recodified as Section 70.7 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.9, as amended by Section 7, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.9), shall be recodified as Section 70.8 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.10, as amended by Section 8, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.10), shall be recodified as Section 70.9 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.11, shall be recodified as Section 70.10 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.12, shall be recodified as Section 70.11 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.13, as amended by Section 9, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.13), shall be recodified as Section 70.12 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.14, shall be recodified as Section 70.13 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.15, shall be recodified as Section 70.14 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.16, shall be recodified as Section 70.15 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.17, shall be



recodified as Section 70.16 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.18, as amended by Section 10, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.18), shall be recodified as Section 70.17 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.19, shall be recodified as Section 70.18 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 142.20, as last amended by Section 11, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142.20), shall be recodified as Section 70.19 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 3, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142A), shall be recodified as Section 71 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 4, Chapter 325, O.S.L. 1993 (21 O.S. Supp. 1994, Section 142B), shall be recodified as Section 71.1 of Title 22 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Sections 845, as amended by Section 1, Chapter 265, O.S.L. 1992, 846, as last amended by Section 1, Chapter 324, O.S.L. 1994, 846.1, 847 and 848 (21 O.S. Supp. 1994, Sections 845 and 846), shall be recodified as Sections 191, 192, 193, 194 and 195 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering. 21 O.S. 1991, Section 861, shall be recodified as Section 5-600 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 862, shall be recodified as Section 5-601 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Section 863, shall be recodified as Section 5-602 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 21 O.S. 1991, Sections 886, as amended by Section 1, Chapter 289, O.S.L. 1992, and 887 (21 O.S. Supp. 1994, Section 886),

shall be recodified as Sections 8-211 and 8-212 of Title 21 of the Oklahoma Statutes respectively, unless there is created a duplication in numbering. Section 2, Chapter 355, O.S.L. 1992 (21 O.S. Supp. 1994, Section 1169), shall be recodified as Section 5-6115 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-730, shall be recodified as Section 5-603 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-731, shall be recodified as Section 5-604 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-732, shall be recodified as Section 5-605 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-733, shall be recodified as Section 5-606 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-734, shall be recodified as Section 5-607 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-735, shall be recodified as Section 5-608 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-736, shall be recodified as Section 5-609 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-737, shall be recodified as Section 5-610 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-738, shall be recodified as Section 5-611 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-739, shall be recodified as Section 5-612 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991, Section 1-740, shall be recodified as Section 5-613 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering. 63 O.S. 1991,

Section 1-741, shall be recodified as Section 5-614 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 359. This act shall become effective July 1, 1996.

45-1-5066           SD